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DEMOPHILOS, OR THE ASSERTOR OF THE Peoples Liberty.

PLAINLY

Demonstrating by the Principles even of
Nature it self, and by the Primitive Constitu-
tions of all Governments since the Creation
of the World.



That the very Essence and the Fundamental of all
Governments and Laws, was meerly the safety of
the People, and the advancement of their
Rights and Liberties.

To which is added the General Consent of all
Parliaments in the Nation, and the Concurrence of
threescore and two Kinges since first this Island was vi-
sible in earnest, and by commerce with other Nations,
hath beene refined from Malice and Neglect.

By William Prynne Esq; a Bencher of Lincolns-Inne.

LO D N,

Printed for Francis Lilles in the Old-Baily. 1658.

02,104



To the unprejudiced Reader.

Being importunately solicited by Mr. William Shepheard, a Lawyer, specially employed by some Swordmen and Grandees at VVhitchall, (from whence he came to visit me at my Study in Lincolns Inne, within two daies after their resolution to call a new Assembly at VWestminster, wherewith he acquainted me) to regulate the abuses in the execution of our Laws; that I would consider of such abuses of this Nature, as I had observed, for him to present to that Assembly to be reformed by them, being one chief end of their meeting; which I then informed him, I had no time to do, being ready to take my Journey into the Country, and that Sir John Davis in his Epistle to his Irish Reports had written so much in justification of our Laws, as would suffice and silence all soldiers and others that ignorantly censured them. He thereupon desired me at my vacant times, to consider of this his motion in the Country, for the publick good. which I since calling to mind, and considering that in the Parliament of R. 2 rot. Parl. n. 17, 18. it was the resolution both of the Commons and Lords (desiring redress of their publick Grievances and oppressions) that Reformation alwaies ought to begin in the Head, and so gradually from the highest members to the feet: and that it will be both

Reformatio
sempre debet
incipere in ca
pite, et sic de
gradu grada
boot-tis ad imum.

To the unprejudiced Reader.

bootlesse, impolitick, and ridiculous for any pub-
lick or private State-Physicians, or Reformers,
to spend their time and pains only to cure some small
scratches, or cuts in the toes, or fingers; or brea-
ches in the tyles or feeling of our State and
Laws, (as som^e Mountebaincks, and Pseudo-po-
liticians now do) and in the mean time to over-
passee, neglect, if not increase, dilate the large
deadly wounds, in the very Head, Heart, Vital
Parts; and most dangerous Breaches, Under-
minings in their very Foundations, which threaten
present death, and suddain Ruine to the whole
Body of our State, Laws, Nation, if not speedily
healed, repaired with all possible care and diligence,
by the most skillfull Artists and Philopatiers, suffi-
ciently qualified for such a desperate difficult pub-
lick cure, Repair, and with sincere self-denying
publick spiris, courageously addressing themselves
with all their skill, might, to this necessary Heroic
work. And withall observing, that there can be
no health, ease, rest, quiet, but perpetual pain, lan-
guishing, consumption, torture, decay in the Body
politick of our Nation, as in the Body na-
tural, so long as there is any dislocation, fraktion,
convulsion, wound, malady in the Bones, Nerves,
Arteries, or chief Parts, and members thereof. And,
then remembering that serious Protestation, and lo-
lemn League and Covenant, which I my self, all
members of the late Parliament, most Persons in late
power, and the generality of all the well-affec-
ted people, to publick Laws, Liberty, Ju-
stice, Religion, in our three Kingdomes, ^{and}
long since took in the presence of the most
High God, Angels, and Men with hands lifted

up to Heaven, and then subscribed with those bands; That they shall with sincerity, reality, and constancy, in their several Vocations, endeavour with their Estates and lives, mutually to preserve the Rights, Privileges, Laws and Liberties of the Parliaments and Kingdomes of *England*, *Scotland*, and *Ireland*, &c. And in this common cause of Liberty and peace of the Kingdome, assist, and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof; and not suffer themselves directly or indirectly, by whatsoever combination, perswasion, or terror to be divided or withdrawn from this blessed union, &c. but shall all the daies of their lives, zealously, and constantly continue therein against all opposition, and promote the same according to their power, &c. (which Solemn League and Covenant I find subscribed in * print, by VVilliam Lenthal Speaker, Robert Nicholas, Gilbert Pickering, Oliver Cromwell, Philip L. Lisle, VVilliam Ellis, Oliver Saint-John, Miles Corbet, John Lisle, Francis Rous, Nathaniel Fyennes, Edmund Prideaux, John Glynn, Bulstrode VWhitelocke, Edward Montagu, and others in greatest present power and imployments, whom I desire now to remember, and perform the same effectually, as they shall answer the contrary at that great day, when the secrets of all hearts shall be disclosed, according to those their printed subscriptions therof, for all the good ends therein prescribed.)

* At the end of
the solemn
League and Co-
ovenant, print-
ed by Hugh How-
les orders by it
self, and sent
into all coun-
ties; and in
A collection of
Ordinances, p.
436, 437, 128;

To the unprejudiced Reader.

I hereupon apprehended I could not perform a more
convenient, acceptable, or beneficial service to my na-
tive Country in pursuance of the Protestantation,
and Solemn League and Covenant, (lying still
as sacred Bonds upon my conscience,) than to draw up
this summary Collection of the principal funda-
mental hereditary Rights, Liberties, Proper-
ties of all English Freemen, both in relation to
their Persons, Estates, and free-Elections
(most mortally wounded, more dangerously
under-mined, shaken, subverted by force and
fraud of late years, since our Parliamentary and
Military contests for their defence, to the vast
effusion of our Treasures and Blood, (by some who
were most deeply engaged in their Protection and pre-
servation) than in the very worst of former ages, under our
late or antient Kings, in every particular branch:) And of the several memorable Votes, Resolu-
tions, Declarations, and Acts of Parliament,
for their Vindication and Corroboration, is
the happy Parliament of 3 Carols (remembered
and ratified likewise, in the last Parliament of
King Charles) as the most sovereign Balm, the
most effectual materials prepared, applyed by the
learnedest, skilfullest, wisest State-Phylicians and
Builders in those Parliaments, to heal and close
up the mortal wounds, the perilous Breaches, our
late Kings * Jesuitical, arbitrary, tyrannical,
ill-counsellors, and other Viperous self-seeking
projectors had formerly made in them, to the im-
poverishing, oppressing, enslaving of the
People, and endaugering the utter subversion both
of our Fundamental Laws, Liberties, Proper-
ties,

* See also *Remon-*
mons Remon-
France 15 De-
cemb. 1641.

Exacts Collec-

on p. 4, 5, &c.

To the unprejudiced Reader.

ties, Government, Parliaments, Kingdomes, Religion; now in a more desperate deplorable condition than ever, unless speedily revived; by the fresh application of these healing Cordials, re-united, repaired, supported with these fermenting Ingredients by some expert, active Chirurgians, and Master-builders, to whom I humbly recommend them; as a brief Corollary to the first and second part of my seasonable, legal and Historical Vindication and Collection of the good old fundamental Liberties, Franchises, Rights; Laws of all English Freemen; till God shall enable me to compleat the remaining parts thereof, in their Chronological series of time; the best Legacy I can leave behind me to my Native Country, and the whole English Nation, whose real Liberty, VVeal, Tranquillity, Prosperity, (next to Gods glory and the safety of our endangered Church and Religion) hath been the sole scope, end, of this, and all other his publications; who, though ingratefully, despitefully required for most of them, would repute it his greatest infelicity to be enforced (or hear other Cordial State-Physicians compelled) now at last to say of England, as Gods people once did of Babylon, Jer. 51. 8. 9. 10. Babylon is suddenly fallen and destroyed, howle for her, take balm for her pain; If so be she may be healed. VVe would have healed Babylon, but she is not healed; forsake her, and let us go every one into his own Country; for her judgment reacheth unto Heav-

To the unprejudiced Reader.

ven, and is lifted up even to the Skies. Yet the Lord hath brought forth our righteousness : as he hath (*maugre* all *Enemies*, *Oppos-
itions*, *Slanders*) the righteousness of him, who de-
sires thy kind acceptation of this Breviary, and
prayers for Gods blessing upon this, and all other
his real endeavours for sick, desperately-wounded
Englands cure;

Swainswick Septemb. 6.

1656. *Written by William Payne,*

A



A Summary Collection of the principal fundamental Rights, Liberties, Properties of all English-Freemen, &c.



The Liberty of the Subjects Persons having in the three first years of our late King *Charles* his Reign been very much invaded, endangered, undermined, 1. By *Imprisonment of their Persons*, by the Lords of the Council, without any special Legal cause assigned in the Warrants for their commitment, but only the Kings command; 2. By *honorable banishments* upon pretence of forein imployments; 3. By confinements to particular places; 4. By *remanding* and not bayling them by the Judges upon *Habeas Corpora* sued forth by them; 5. By *Commissions for Trials of Soldiers* and others for their lives, by *Martial Law*, in times of peace, when other Courts of Justice were open; and the like. The properties of their Goods and Estates being likewise much encroached upon, and in a great measure subverted, 1. By forced Loans and contributions. 2. By *Lieutenants* and *Deputy-Lieutenants* exorbitant Powers, and new rates, taxes, imposed on, and forced from them, without grant in Parliament, for billeting Soldiers, and quartering Souldiers in mens Houses

against their wills till they paid those rates. 3. By exacting *Tunnage, Poundage, New customes, and impositions without special grant and act of Parliament.* 4. By an intended *Commission of Excise,* (never put in execution) and other particulars of like nature. And the Liberty of their *Free-elections,* much impeached by Lieutenants, and others Letters, menaces, summoning of trained Bands to elections, and the like indirect courses. Whereupon the Parliament begun on Monday, 17 Martii, 3. Caroli, in the year of our Lord 1627, to vindicate these their infringed Liberties, properties, freedoms, and preserve them from future violations of this nature; after many learned Arguments by Sir Edward Cook, Mr. Noy, Mr. Selden, Mr. Littleton, Mr. Mason, Mr. Crefwel, Mr. Sherville, Mr. Sherland, Mr. Bancks, Mr. Roll, Mr. Ball, with other Lawyers, and able Members of the Commons House, passed their unanimous Votes against them, *Nemine contradicente;* fit now to be revived, re-established, after more dangerous avowed publick Violations of our hereditary Fundamental Liberties, Properties, by the greatest pretended Military and civil Champions for, and Patrons, Assertors and Protectors of them, than any in former ages, as the probablest means under God then', and

(a) 2 April

1628.

* See the great Charter of King John.

Mat. Paris p. 248. Magna King, or privy Council, or any other, unless some

Charta, 9 H.3. cause of the commitment, restraint or detainer be expressed.

c. 19. 5 E.3. c. 9. 28 sed, for which by Law he ought so to be committed, detained, 25 E.3. c. 4. 28

E.3. c. 3-37 E. or restrained.

See 18.4.2 E.3. 2. That a Writ of Habeas Corpus, may not be denied,

c. 3. 2 H.4. 10. but ought to be granted to every man, that Parl. 2. 60. 69.

The Petition of is committed, or detained in Prison, or otherwise restrained,

Right. 3. Caroli.

grained, although it be by command of the King or Privy Council, or any other, he praying the same.

3. That if a Freeman be committed or detained in Prison, or otherwise restrained by command of the King or Privy Council, or any other, no cause of such commitment, detainer or restraint being expressed forthwith, for which by Law he ought to be committed, restrained (b) 4 April or detained, and the same being returned upon an Habeas Corpus granted for the same party, that then he ought to be delivered or bailed. 1628. Mag. Charta, 9 H. 3. c. 29.
35 Eliz. c. 2.

4. (b) That no Freeman ought to be confined to his House, or any other place, by any command of the King or Privy Council, or any other, unless it be by an Act of Parliament, or by other due course, or Warrant of Law. 3 Jac. c. 3. Dall. Justice of Peace, c. 45. § 9. H. 5. c. 8. (c) 7 May, 1628.

5. (c) That the Commission for martial Law, and all other of such nature, to be executed within the Land, at such times as were appointed by this Commission, (then questioned, to wit in times of peace, when the Kings Courts of Law were open, and other Legal trials might be had by Juries in Courts of Justice) are, 9 H. 3. c. 29. 5 E. 3. c. 9. 25 E. 3. c. 4. 28 E. 3. c. 3. 15 E. 3. c. 1. 2. 1 H. 4. rot. Parl. n. 43. 44. &c. Petition of Right, 3 Carols. See My Discourse of Free-state Tyranny, p. 39. 40. 41.

6. That the billeting and placing of Soldiers or any other person in the House of any Freeman, against his will, is against the Law.

7. (d) That it is the * ancient and undoubted Right of every Freeman, that he hath a full and absolute property in his goods, and Estate; And, that no taxes, Tallages, loan, benevolence, or other charge ought to be commanded, imposed, or levied by the King or his Ministers, without common consent by Act of Parliament.

All which Votes were drawn up, and inserted into
15 E. 3. stat. 3. c. 5. 27 E. 3. stat. 2. c. 2. 38 E. 3. c. 2. 1 K. 3. c. 3. 21 E. 3. rot. Parl. n. 16. 25 E. 3. rot. Parl. n. 16. 36 E. 3. rot. Parl. n. 26. 43 E. 3. rot. Parl. n. 26. 1 H. 4. rot. Parl. n. 32. 43. 11 H. 4. rot. Parl. n. 30.

the Petition of Right, assented to by the Lords, and at last by the King himself in his Answer to that petition, as the ancient Fundamental Rights and Liberties of all English Freemen. And therefore after all our late Parliamentary and Military contests, wars for their defence; fit to be confirmed, ratified by all sorts of Domestick waies and policies, by which the great Charter was

* See rot. Par.
17 Iobannis
22, 23, 24.
dors. Mat. Pa-
ris p. 243 to
255. 305 to
312. 838, 839.
878. 890, 892.
938, 940, 941.
960.
¶ 25 E. I. c. 1.
¶ 28 E. I. c. 1.
¶ Clas. 28 E.
¶ 1. m. 75 8.

* antiently confirmed, and all violations of them exemplarily punished, without any further argument or debate, being indisputable principles and foundations, whereon all our Liberties, Properties, as English Freemen, are bottomed. To which end I would advise that all Civil and Military Officers whatsoever, as well Sa-
pes as subordinate; all Members of Parliament, Bar-
esters, Attornies, Graduates in our Universities, Stew-
ard of Leets and Court-Barons throughout our Domi-
nions, should from time to time, upon, and at their in-
vestitures into their several Offices, Trusts, or taking
their Degrees; be corporally sworn, To defend and
maintain the Great Charter of England, the Petition of
Right, and other Fundamental Lawes of this Land; to-
gether with the antient undoubted Rights and Liberties
of our English Parliaments, (according to their late
Protestation, and Solemn League and Covenant) And
that all Justices of Assize, Judges, and Justices of the
Peace, should specially be sworn at every Assizes and
Sessions of the Peace in their respective Circuits, Conn-
ties, Corporations; and the Justices of the Kings Bench
every Term, amongst other Articles to the Grand Jury,
to give them in charge upon their Oaths, diligently to in-
quire of and present all Offences, Exactions, Oppressions,
Taxes, Imposts and Grievances whatsoever, against the
Great Charter, the Petition of Right, and other Good
Lawes for the preservation of the Liberty, Right, and
Property of the Subject, by any person or persons; to the
end, that they may be exemplarily punished according to
Law, by Fines, Imprisonments or otherwise, as the
quantity

quantity and quality of the Offences deserve : It being
the * Advice, Desire, Proposition, and Petition of the * Exalt. coll. et.
whole Commons house first, and after of the Lords; and ^{1. 20, 21, 309.}
Commons house joynly to King Charles in his last Par-^{326.}
liament; to which he readily assented : though never
since put into actual execution ; which is now most
necessary to be effectually accomplished for the future,
having been so long neglected.

After these Votes, and the Petition of Right passed,
several Impositions upon Wines, Currans, Tobacco, Beer,
and the taking of Tonnage and Poundage without *Act*
of Parliament, being complained of, it was by special
Votes and Declarations of the Commons House, resol-
ved and declared in the same Parliament.

8: (e) That the receiving of Tunnage and Pound- (e) 25 June,
age, and other Impositions not granted by Parliament, ^{1628.}
is * a breach of the fundamental Liberties of this * Mag. Charta,
Kingdom; and contrary to his Majesties Regal answer ^{9 H. 3. c. 20. 25}
to the Petition of Right : And those declared Publick ^{E. 1. c. 1. 6. 34}
Enemies, who shoulde thenceforth collect, or pay any Cu-
stoms, Tunnage, Poundage or Imposts, not granted by ^{E. 3. stat. 1. c. 21}
act of Parliament, which was since enacted and decla-
red for Law in the (f) two first acts for Tunnage and ^{E. 3. stat. 1. c. 21}
Poundage, in the last Parliament of King Charles; and ^{E. 3. rot. Parl.}
all thole in a Premunire, and disablea to sue in any ^{n. 16. 36 E. 3.}
Court of Justice¹, who shall presume to levy the same ^{rot. Parl. n. 16.}
without *Act of Parliament*. The case of all Cu-stomers, ^{Exalt. coll. p.}
Excisemen and their Instruments, at this present, fit ^{382, 383, 884,}
to be made presidents in this kind for the terror of <sup>(f) Exalt. Col-^{857, 858.}
lection, p. 789,</sup>
others. ^{790, &c.}

9. A Commission from the King under the Great
Seal of England, directed to 33 Lords and privy Coun-
sellors, dated the last of Febr. 3 Caroli, stiled, (g) a (g) 11, 15,
Commission of Excise, was complained of and brought ^{19 June 1628.}
into the Commons House, and there read, which com-
manded them to raise monies by Impositions or other-
wise, as they in their wisdoms shoulde find convenient, for

the safety and defence of the King, Kingdom and People; the Kings Protestant Friends and Allies; which without hazard of all could admit no delay, the necessity being so inevitable, that form and circumstances must rather be dispensed with, than substance lost. Injoyning the Commissioners to be diligent in the service, as they tendered the safety of his Majesty, and of his People, Dominions and Allies. This Commission of Excise by the unanimous Vote and judgement of the Lords and Commons, was resolved to be against Law, and contrary to the Petition of Right. And thereupon was cancelled (as such) in his Majesties presence, by his own command, and was brought cancelled to the Lords House by the Lord Keeper, and by them afterwards sent to the Commons: and the Warrant with all enrollments of it were cancelled: and ordered by the Commons, that the Prosector of it should be found out and punished. Which judgement (b) was thrice recited, confirmed, and insisted on by the Lords and Commons, (and some in greatest present power) the last Parliament of King Charles in printed Speeches and Declarations. And if this intended Commission of Excise, though never executed, was thus frequently damned as an intolerable and monstrous Grievance against our Laws, Properties, and the Petition of Right, How much more are all present Orders, Commissions, Warrants for the actual imposing and levying all sorts of Excises on such, without any act of Parliament?

(b) Excell Collection p. 885. 6. Mr. O: St. Johns speech and Declaration concerning receiving ship-money p. 13. 15. 16. 19. See my Declaration and Protestation against the intolerable extortions of Excise.

X. The Commons House in that Parliament, upon solemn Argument and Debate, concluded; That by the Laws of this Realm, none of his Majesties Subjects ought to be impressed or compelled to go forth of his County to serve as a Soldier in the Wars, * except in case of necessity of the sudden coming in of strange Enemies into the Kingdom; or except they be otherwise bound by the Tenures of their Lands or possessions; Nor 272, 279, 810. yet sent out of the Realm against his Will upon any foreign employ.

* 1 E. 3. Stat. 2. c. 5. 4 H. 4. c. 13. 25 E. 3. c. 8. Excell Collection p. 277, 279, 810. yet sent out of the Realm against his Will upon any foreign employ.

employment, by way of an honorable banishment. Which Resolution in the last Parliament of King Charles was enacted and declared to be the Law of the Land, and fundamental Liberty of the Subject, by the (i) Act for (i) Exacte col-
impressing Soldiers for Ireland; by two Declarations ^{ation, p. 389,} of the Lords and Commons against the Commission of array; and assented to by the King in his answer there- ^{390, &c., 435,} ^{416, 877, 878,} ^{879, &c., 887.}

All which unanimous Votes, Resolutions of both Houses, having been successively ratified in two several Parliaments in King Charles his Reign (whereof some in present Power were Members,) and enacted by several Statutes, assented to by King Charles himself; it must needs be the extremity of Impudency, Tyranny, Treachery, Impiety, Perjury, Barbarism, for any who have formerly contested with him in our Parliaments, or in the open field, for all or any of these premised Fundamental Rights and Liberties of all English Freemen; and who vowed, protested, co-venanted, remonstrated again and again before God and all the World, inviolably, faithfully, constantly to defend them with their Lives and Fortunes all their daies, in their several places and callings; and who beheaded him as the Greatest Tyrant (together with Strafford and Canterbury) for infringing them; to oppose, contradict, violate or infringe them all in a more transcendent publike manner, than he or his worst Ministers formerly have done; and now not really, clearly to corroborate, defend, transmit them to posterity in full vigor, by all good wayes and corroborations that possibly can be devised, without the least opposition and dispute, to make the Nation free, and their own posterity together with it.

XI. After the Petition of Right had passed the Commons House, and was transmitted to the Lords; the House of Lords desired, that this Clause might be added

19, 22, 23, 24;

26, 27, 28 May

1628.

ded to the close thereof. "We humbly present this
"Petition to your Majesty, not only with a Care of
"Preservation of our own Liberties, but with a due re-
"gard to leave intire that Sovereign Power where-
With your Majesty is trusted, for the Protection,
Safety, and Happinesse of your People. The Com-
mons after a long and full Debate, resolved, "That
"this Saving ought to be rejected, and by no means to
"be added to this Petition; though very Specious in
"shew and words; for that it would be destructive
"to the whole Petition; and would leave the Subjects
"in farre worse condition than it found them. For
"whereas the Petition recites, "That by the Great
"Charter and other Laws and Statutes of this Land,
"No Loan, Tax, Tallage or other Charge ought to be
"imposed on the Subjects, or levyed, without common
"consent by Act of Parliament, Nor any Freeman of
"this Realm imprisoned without cause shewed, Nor
"any compelled to receive Souldiers or Mariners into
"their Houses against their wills, Nor any man ad-
"judged to death by Martial Law, in times of Peace,
"but only by the lawful trial of his Peer, according to
"the established Lawes and Custom of the Realm;
This addition would make the Sense and Construc-
tion thereof to be, "That the King by his Ordinary
"power and Prerogative could impose no Loan, Tax,
"Tallage, or other things upon his Subjects without
"their common consent by Act of Parliament; Nor
"imprison any Freeman, without cause shewed; Nor
"billet any Souldiers or Mariners in mens Houses a-
"gainst their wills; Nor condemn nor execute any
"Subject by Martial Law: But yet by his Sovereign
"power, wherewith he is intrusted for the Protection,
"Safety, and Happinesse of his people, here left intire-
"ly to him, he may when he saw cause and necessity
"impose what Loans, Taxes, Impositions and Char-
ges he pleased on his people, without common con-
sent

"sent and A ct of Parliament, imprison them without
"cause shewed, quarter Mariners and Souldiers in
"their houses against their wills, and condemn, exe-
"cute them by Martial Law, upon this pretext, that it
"was for the Protection, Safety and Happiness of his
"people in general; All which himself and his Coun-
"cil, not the Judges and our Laws, must determine.
"And so this Addition, if admitted, would quite over-
"turn the Petition it self, the Great Charter, and all
"other Acts recited in it: and give an intimation to
"Posterity, as if it were the opinion of the Lords and
"Commons in this Parliament, that there is a trust
"reposed in the King upon some emergent cases and
"necessities, to lay aside as well the Common Law,
"as the Great Charter and other Statutes, which de-
"clare and ratifie the Subjects Liberty and Property,
"by his Sovereign power. And so by consequence to
"enable him to alter the whole frame and fabrick of
"the Commonwealth, and dissolve that Government
"whereby this Kingdom hath flourished for so many
"years; under his Majesties most royal Predecessors.
"Whereas in truth there is in the King no Sovereign
"Power or Prerogative royal to enable him to dispoze
"with, or take from his Subjects their Birthright and
"Inheritance which they have in their Liberties by
"virtue of the Common Law, and these Statutes,
"which are meerly positive and declarative; confer-
"ring or confirming ipso facto an inherent Right and
"Interest of Liberty and Freedom in the Subjects
"of this Realm, as a Birthright and Inheritance
"descended to them from their Ancestors, and de-
"scendible to their Heirs and Posterity. But the So-
"vereign power wherewith he is intrusted, is only for
"the protection, safety and happiness of his people,
"in preserving this their inherent Birthright and In-
"heritance of Liberty and Freedom, and those Lawes
"and Statutes which ratifie and declare them. Upon

these and other reasons alleged by the Commons, the Lords after three large Conferences agreed fully with the Commons, and rejected this destructive Addition to the Petition of Right; which the Lords and Com-

^{*Excell Collect.}mons in their ^{*} Declaration touching the Commission of Array, January 16. 1642. (to which many now in power were parties) recite, insist on and corroborated in Parliament, as an undoubted truth.

If then the King by his absolute Sovereign power wherewith he was intrusted, could upon no emergent occasion or necessity whatsoever, violate, elude, evade, subvert all or any of these fundamental Laws, Liberties, Rights, and Inheritances of the Subject, by the joyn't unanimous resolution of the Lords and Commons in these two Parliaments of King Charles; much lesse then may any other Person or Persons, or new Powers do it, who condemned him for a Tyrant, and suppressed Kingship as tyrannical, over-burdensome, dangerous to the peoples Liberties, Safety, Prosperity, upon any real or pretended Necessity or Emergency whatsoever. Much lesse may any true English Parliament permit or enable them upon any pretence to do it in the least degree, to the prejudice of Rosterity, after so many publick Parliamentary and Military conflicts for these Laws and Liberties. Therather, because that our Noble Ancestors would admit no Saving or Addition to the Great Charter, or any Statutes for its confirmation; that might any wayes impeach their Liberties, Rights, or Proprieties: And when King Edward the 1. in the 28 year of his reign upon the Petition of the Lords and Commons, granted a New Confirmation of their Charters, and in the ^{*} close thereof added this Clause, Salvo jure Coronæ Regis: That the right and prerogative of his Crown should be saved to him in all things; (Which the Lords most insisted on, to justify the fore-mentioned rejected Addition to the Petition of Right) when it came to be proclaimed in London, the people

<sup>*Articuli super
Chartas, cap..
20.</sup>

bearing

bearing this Clause at the end thereof, added by the King; fell into execration for that Addition, and the great Earls, who went away satisfied out of Parliament, bearing thereof, went to the King and complained thereof, who promised to redress it (as Mr. Selden then informed the Common house, out of a *Leiger Book* of that year, in the publike Library of the University of Cambridge : Whereupon is the Statute *De Tallagio non concedendo*, 34 E. 1. the King to please his discontented Lords and Commons, not only granted, That no *Tallage* or *Ayd* should be taken or levied by us or our heirs in our Realm, without the good will and assent of the Archbishop, Bishops, Earls, Barons, Knights, Burgess, and other Freemen of the Land, c. 1. But likewise added, c. 4. We Will and grant for us and our Heirs, That all Clerks and Lay-men of our Land, shall have their *Laws*, *Liberties*, and *Free Customes*, as they have used to have the same at any time, when they had them best. And if any Statutes have been made by us or our Ancestors, or any Customs brought in contrary to them, we will and grant, That such manner of Statutes and Customs shall be void and frustrate for evermore: Yea, King Edward the 3. in pursuance thereof, in the Parliament of 42 E. 3. c. 1. assented and accorded, That the Great Charter and Charter of the Forest, be holden and kept in all points: And if any Statute be made to the contrary, that shall be holden for none. And c. 3, It is assented and accorded for the good Government of the Commons, that no man be put to answer without Presentment before Justices, or master of Record, or by due Process, and writ original, according to the old Law of the Land. And if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for Errour. And therefore we all jointly and severally expect and claim the like Declaration and Resolution in all these particulars, being assented to by King Charles himself in the Peti-

tion of Right, and by these antient Warlike Kings, and true English Parliaments, from whose vigilancy, magnanimity, unanimity, zeal, courage in defence of their our fundamental Charters, Laws, Rights, Liberties, w^e should now be ashamed to degenerate, after so many yeats, wars, and vast expences for their preservation; and all sacred solemn Protestations, Vows, League, Covenants, Declarations, Remonstrances, and Ordinances, engaging us, with our lives and fortunes constantly to defend them all the daies of our lives, against all oppisitor. And if any who pretend to the Name or power of a Parliament, should now refuse or neglect to do their duties herein, they may justly expect to be had in perpetual detestation and execration both with God and all English Freemen.

XII. It was frequently averred, declared (k) by the Commons in this Parliament; *That the old custome and use of our Parliaments constantly hath been, and ought to be, to debate, redress all publick grievances, and rightlye daies after.* * 52 H. 3.c.5. *establish, secure their violated Great Charter, Laws,* 25 E. I.c.1,2. *Rights, and Liberties, in the first place of all, before* 3. 28 E. I.c.1. *they debated, or granted any aides, or subsidies demand-* 2. 1 E. 3.Stat. *ed of them, (though never so pressing, or necessary) it be n;* 6. 1.4,5,10,14, *both dangerous, imprudens, and a breach of their trus-* 15,35,28,31, *towards the people who elected them, to play an After-* 36, 37,38,42. *game for their Liberties, Laws, and Grievances, which* 45 E.3.c.1. 1. *would never be effectually redressed after subsidies once* 2,3, 5, 6,7, *granted, VVhereupon they refuled to pass the Bill of* c.1.2.1,2. 4.7. *Subsidies then granted till the Petition of Right was* 9.13H.4.c.1,3. *first assented unto, enrolled, and their Grievances, re-* 4.9 H.5.c.1. 2. *dressed by the King.*

XIII. They cast Sir Edmund Sawyer, a Member of the Commons House, out of it, upon solemn De- (l) 21 Junii, bate; (l) committed him Prisoner to the Tower, and & 9 April 1628. perpetually disabled him to serve in Parliament for the future, for having a chief hand in making a Book of Rates, for Tunnage and Poundage, and laying imposi-

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on the Subject, in nature of a Projector, without grant
an Act of Parliament. And likewise suspended Mr.
John Baber (then Recorder and Burgage of Wells) ^{1627.}
only for making a Warrant to billet Soldiers, on some
of the Townsmen, against the Law, and Subjects Liberty,
out of fear. Resolving, that all Projectors and Pro-
moters of illegal impositions, Taxes, Bilettings, Pro-
jects out of base fear, (which Mr. Baber) or by
regal command (which Sir Edmund Sawyer pleaded
for his excuse) were unfit to sit or vote in any English
Parliament, and fit to be turned out thence by judi-
cial sentence, with greatest Insanity. And whether
any such be fit to be Members at any other season, let
those whom it concerns determine.

XIV. In this Parliament of 3 Caro. the (a) Speaker in (a) 19 Martii
the clofe of his first Speech to the King (according to 1627.
(b) usual custome in former ages) prayed 3 Privile- (b) 6 H. 4 n. 8.
ges in behalf of every Member of the Commons House; 3 H. 4 n. 8. &c.
the first whereof was, That for the better attending 9 H. 4. n. 12,
the publick and important services of the House, all and 13. &c. 11 H. 4.
every Member thereof, and their necessary attendants 1. 10. 11. 13 H.
may be free both in Person and in Goods from all Arrests 4. 4. 10. 11. Cook
and troubles; according to their antient Privile- 4 Instut. p. 8.
ges and immunitiess; Which the King then readily
granted them all, according to the true Rights and
Privileges of Parliament: By the mouth of the Lord
Keeper. (c) After which Sir Edward Cook (arguing (c) 29 Martii
against the King and his Councils power, to commit men 1628.
only by special command, without any legal cause ex-
pressed in the Warrants in the House) used this ex-
pression. This concerneth not only the Commonalty, but
the Lords, and therefore it deserveth to be spoken of in (d) See my
Parliament, because this might dissolve the Parliament Plea for the
Lords, p. 50, 51, & 8 H. 6.
and this House: for we may be then all one after another thus committed. 31 H. 6. rot. Parl. n. 26, 27.
(d) No Member of Parliament can be arrested but for
Felony, Treason, or Peace: And all here may be com-
mitted

mated (under these pretences) and then where is the
 Parliament ? Surely the Lords will be glad of this , it
 concerns them as well as us : (e) Not long after the
 Mass 16. 8. Common House being informed, that Sir Robert Stan-
 hop a Member thereof was committed by the Lords of the
 Council ; thereupon the House, (in whose power it was,
 either to send an *Habeas Corpus*, or their Sergeant
 with his Mace , for any Member committed , as was
 resolved the last Parliament before this , together with
 the cause thereof) ordered ; That their Sergeant
 should go with his Mace , and bring Sir Robert Stanhop,
 with his Keeper , and the Warrant for his commitment,
 into the House , the next morning they sat . Who ac-
 cordingly brought him , with the Marshal of the Hos-
 pital , and the Warrant , wherein it was declared , That
 his commitment was , by the Lords of the Council , for
 breach of the peace , and refusing to give Sureties for the
 Peace : upon a challenge and a Duel , intended by
 him , as the truth of the Case appeared . Whereupon
 the House were of opinion ; ' That standing com-
 mitted for his real breach of the peace , and refu-
 sing to give Sureties , he could not have his Privi-
 leges , without giving good security in the Kings
 Bench to keep the peace ' . And Mr. Fansham alle-
 ging ' That in such cases some Members by order of
 the House had entered into Recognizances in the
 Kings Bench in former times , to keep the Peace , a
 Committee was ordered to search out the Presidents ,
 and consider of the Case . But the quarrel being soon
 after taken up , thereupon the Lords released Sir Robert
 without Sureties , to attend the service of the House .
 On the 28 of April 1627 Sir Simon Steward a Mem-
 ber of the Commons House , being served with a *Sub
 pena ad audiendum judiciorum* out of the Star-Chamber , at
 the suit of the Kings Attorney , upon a Bill there exhibited
 against him , for sundry misdemeanours ; complained
 thereof to the House , and shewed that he had been

inticed to enter into a Bond and Recognizance of 500 l. not to claim any privilege of Parliament. The House upon solemn debate hereof, April 20. resolved, That Sir Simon, notwithstanding this Bond and Recognizance, should have his Privilege allowed him; because he was elected by, and served for others, and could not make a Proxy; and because else the House might thereby be deprived of his attendance by his Censure: Yea this Recognition, with the Condition thereto (not to claim his Privilege) were held to be void and against the Law: And by order of the House, the party who served the Subpoena on Sir Simon Steward, was sent for as a Delinquent; and Sir Simon commanded to attend the service of the House, and not the hearing of the cause. Vpon this, on the 10th of May, the Inhabitants of the Isle of Ely exhibited a Petition against Sir Simon to the Houle, complaining, that they had exhibited an Information against him in Starchamber, for taking bribes about pressing of Souldiers as a Deputy Lieutenant, and defrauding the Country about the Kings composition; which cause was ready for hearing; Petitioning the House, that he might waive his privilege, having entered into a Bond of 500 l. not to claim it. But it was resolved upon debate, That the Commons House was Judge of any offence done by the Members of it. And thereupon ordered, That a Committee should examine the Witnesses and other proofs of the Charge against him; and so this House to proceed to Judgement against him: Which was done accordingly. To these cases of Privilege in the Commons Houle, I shall adde another memorable one in the Lords Houle, in the second Parliament of King Charls. The King sitting that Parliament, committed the Earl of Arundel to the Tower, without leave of the House, or acquainting the Lords with the cause thereof. Whereupon, May 25. 1626 the Lords drew up and sent this Remonstrance and Petition to the King, entred in their Journal on record.

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*The humble Remonstrance and Petition
of the Peers.*

May it please your Majesty, We the Peers of this your Realm now assembled in Parliament, finding the Earl of Arundel absent from his place amongst us, his presence was therefore called for. But thereupon a Message was delivered us from your Majesty by the Lord Keeper, That the Earl of Arundell was restrained for a misdemeanour which was personal to your Majesty, and lay in the proper knowledge of your Majesty, and had no relation to matter of Parliament. The Message occasioned us to inquire into the Acts of our Ancestors, and what in like cases they had done; that so we might not erre in a dutifull respect to your Majesty, and yet preserve our Right and Privilege of Parliament. And after diligent search made, both of all Stories, Statutes and Records, that might inform us in this case, We find it to be an undoubted Right and constant Privilege of Parliament, That no Lord of Parliament, sitting the Parliament, or within the usual times of Privilege of Parliament is to be imprisoned or restrained (without Sentence or Order of the House) unless it be for Treason or Felony, or for refusing to give Surety for the Peace. And to satisfie our selves the better, we have heard all that could be alleged by your Majesties learned Counsel at law, that might any way infringe or weaken this claim of the Peers: And to all that can be shewed or alleged, so full satisfaction hath been given, as that all the Peers in Parliament upon the Question made of this Privilege, hath una voce consented, that this is the undoubted Right of the Peers, and hath inviolably been enjoyed by them.

Wherefore we your Majesties loyal Subjects and
humble

humble Servants, the whole Body of the Peers now in Parliament assembled, most humbly beseech your Majesty, that the Earl of Arundel (a Member of this Body) may presently be admitted by your Gracious favour, to come sit and serve your Majesty and the Commonwealth in the Great Affairs of this Parliament.

And we shall pray, &c.

Vpon this Remonstrance and Petition sent to the King, the * Peers presently adjourned their house till the next morning, by which time they expected the Earls ^{* See My Pleas for the Lords,} release; but not finding him enlarged, the next day p. 6. May 26. they presently adjourned their House till the 2. of June, refusing to sit, and resolving not to act any thing till the Earl was released to sit among them, or the particular cause of his Commitment and seclusion declared to them, that they might judge of its legality. Whereupon the King was inforced to release him to satisfie the Lords House: In imitation whereof the (f) whole House of Commons the last Parliament of King Charles, ^{(f) Exall Collection p. 34.} upon the Kings comming into the Houle to demand the 10 57. 66. 67. 5 Members he had impeached of High Treason, Janua- &c. 174. 1641. (which they Voted, To be an high Breach of the Rights and Privilege of Parliament, and inconsisten- t with the Freedom and Liberty thereof) presently adjourned it self, and so did the House of Peers too (upon his demand of the Lord of Kimbolton) refusing to sit as an House, but only as a Committee in London, for certain dayes, till this breach of their Privileges was repaired, and their Mmbers restored, vindicated, cleared by the King; wh: released all further prosecu- tion against them.

From which Presidents in these Parliaments of King Charles, it is observable

1. That it is an antient and undoubted Privilege and

Right of all and every Member of Parliament, as well Commoner, as Peer, (as likewise of their necessary Servants and Attendants) to be free from all Arrests, Imprisonments and restaines whatsoever by the King, Council, or any others, except only in cases of Treason, Felony, and Breach *Surety of the Peace*: which was then cleared by 5 H. 4. n. 39. 5 H. 4. c. 6. 8 H. 6. n. 57. 31 H. 6. n. 25, 26, 27, 28. 39 H. 6. n. 9. 7 E. 4. n. 36. 4 H. 8. c. 6. 3 Iacobi, the Baron of Watsons case, and Sir George Hastings case a Caroli, to which the Presidents printed in Sir Edward Cooks 4 Institutes p. 24, 25. and the Statute of 8 H. 6. c. 1. may be added; which declares, *That the Great men and Commonalty of the Realm of England called or to be called to the Kings Parliament, do enjoy, and were wont to enjoy, and in time to come ought to enjoy, this liberty or defence in coming, tarrying, and returning, not to be arrested, molested, or inquieted; and gives the same Liberty to the Clergy called to the Convocation by the Kings writs, and to their Servants and Families.* Therefore the arresting, imprisoning, secluding, molesting of any Members of late or prelent times by the Army Officers or others, is a most apparent breach of this antient Privilege, worthy the severest penalties, and speedy reformation.

2. That the ground and only reason of this Privilege is, *that all & every member summoned to, or elected and returned to serve in Parliament, might duly, freely, and diligently attend his publike trust and service in the Parl. without molestation, restrains, seclusion or disturbance;* (as these Presidents, Statutes, and Records resolve;) which all and every of them are bound to doe, under paine of being amerced, fined, and otherwayes punished, and of losing their Wages besides; as is clear by the Statute of 5 R. 2. Parl. 2. c. 4. *The King doth will and command, and it is assented in the Parliament by the Prelates, Lords and Commons, that all and singular*

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persons and Commonalties, which from henceforth shall have the summons of Parliament, shall come from henceforth to the Parliament in the manner as they be bounden to doe, and have been accustomed within the Realm of England of old times. And every person of the same Realm which from henceforth shall have the said summons, (be he Archbishop, Bishop, Abbot, Prior, Duke, Earl, Baron, Baneret, Knight of the Shire, Citizen of City, Burgess of Borough, or other singular Person or Commonalty) which doth absent himself, or come not at the said Summons, (except he may reasonably and honestly excuse himself to our Lord the King) shall be amerced and otherwise punished, as of old times hath used to be done within the said Realm, in the said case, &c. As likewile by the Statutes of 1 H. 5. c. 1. 32 H. 6. c. 13. 9 H. 8.c. 16. The Act for Triennial Parliaments, 16 Caroli, 31 H. 6. n. 45, 46. 8 Martii 23 Eliz. Cooks 4 Institutes, p. 1, 2, 4, 9, 10, 15, 17, 23 24, 33, 42 to 50, and my Plea for the Lords, which you may consult at leisure. Therefore no member duly summoned or elected, may or ought to be arrested, secluded, or suspended the Parliament by any Persons or Powers whatsoever, upon any pretext or new devised Instrument, but only by the House and Parliament it self, without the highest injustice, affront to the Parliament, Member, and the people who elect him.

3. That the Parliament alone during its sitting, and no other person or powers what so ever, is and ought to be the sole Judge of the due elections, offences, fitness, election, seclusion, suspension, imprisonment of the Members of Parliament. And that no Member in cases of Treason, Felony, or Breach of Peace, ought to be taken away or detained from the service of the House whereof he is a Member, until that House hath satisfaction concerning the truth of the fact, and grounds of the Accusation;

which it is bound to examine, and then to proceed against him, themselves, if it be proper for the Parliament, or to suffer him after to be proceeded against elsewhere, as resolved in the Presidents of Sir Edmund Sawyer, Mr. Baber, Sir Simon Steward, Sir Robert Stanhope, the Earl of Arundel, the Lord of Kinbolton, and 5 impeached Members, forecited of late: By sundry antient Presidents in my *Plea for the Lords*, p. 33 to 54. My *Ardua Regni, and Levellers Levelled, Cooks & Institutes*, p. 23, 24, &c. And expresaely declared by the *Lords and Commons*, in their printed *Declaration*, Octob. 23, and *Remonstrance Novemb. 2. 1642.* Exact Collection p. 655, 657, 723, 724, 726, 727. Wherefore for any persons or Powers out of Parliament to arrest, or seclude any Member duly summoned or elected by the People (especially without, before, or against the judgement of the Parliament, or without rendering any reason thereof to the Parliament and People who elect them) is the highest usurpation over, and affront to the Sovereign jurisdiction of Parliaments, that possibly can be devised, yea an erection of a supream new Power, both over Parliaments themselves, and their Members; and great injustice to the People, lately (g) voted the *Sovereign Power, and only fountain of all lawfull Authority in the Nation.*

(g) Jan. 1648.
See the History
of Independen-
cy.

4. That the Parliaments of England in all former ages, have been very diligent, vigilant, zealous, resolute, courageous in maintaining these their antient undoubted Privileges of their Members, and the Houses of Parliament, against the least incroachment or violation; not suffering so much as one or two of their Members at any time (especially in the Parliaments of King Charles) to be imprisoned, or restrained from the Parliament, for any real or pretended causes, without present demanding of him, or them, and examining the grounds of their restraints, adjourning their Houses, and refusing to sit or act till

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till their Members were restored, righted, and their Privileges repaired; And that upon these four grounds, worthy special observation.

1. Because our Parliaments in former times, were constantly adjourned from the day of their first appearance, till a further time, when any of the Lords, Knights and Burgesses, by reason of shortness of time, other publick imployments, or default of the Sheriffs returns, were absent, and did not appear, to make up a full Parliament upon the first day of the Summons; which I have proved by 30 Parliaments, Presidents and Records (b) elsewhere cited in the reignes of King Henry 3. Edward 3. Richard 3. and Henry the 4th, (to which some others might be added) to prevent the danger of acting any thing in a thin or packed House.

(b) The Levels levelled, p. 21. 22. My Plea for the Lords, p. 25. &c.

2. Because the undue seclusion of any Members duly elected by force or combination, (especially when others unduly, or not at all elected by the people, were returned and admitted as Members) hath nullified, made void and repealed all the Acts and Proceedings of former Parliaments, thus fraudulently packed for sinister private ends; as being no Parliaments at all in law or truth, but a packed Conventicle and Confederacy; as the printed Statutes of 21 R. 2. c. 12. 1 H. 4. c. 3: and rot. Parl. 1 H. 4. n. 22. 23. 38. 48. 66. 70. 38 H. 6. n. 35. 39 H. 6. c. 1. 87 E. 4. c. 7. And the Statutes of 10 H. 7. c. 23. made in Ireland, will resolve the perusers of them, being over-tedious to transcribe.

3. Because else the King and his Council, or others might as well summon what Nobles, Counties, Cities, Boroughs they pleased to the Parliament, and omit whom else they pleased out of the Summons, without any Writs directed to them; and seclude or admit whom they pleased, when summoned, elected, returned to serve in Parliament, contrary to the (i) Great Charter of King John, and the Statute of 5 R. 2. c. 4. (i) Mat. Paris Hist. Anglie, p. 247. See My Plea for the Lords, p. 5. 6.

which expressly provide, That all the Barons, Citizens, Burgesses, Commonalties and Connives shall be summoned to every Parliament. And if any Sheriff of the Realm be from henceforth negligent in making his returns of Writs of the Parliament, or that he leave out of the said Returns any Cities or Boroughs which he bound, or were of old time wont to come to the Parliament, he shall be amerced or otherwise punished, in the manner as was accustomed to be done in the said case six times past. They being also to be summoned as formerly, ex debito Justitiae, as Sir Edward Cook resolveth in his 4th Institutes, p. 1. printed by the Common House special Order; else the Parliament will be Void and Null, as the Statute of 10 H. 7. c. 33. for Ireland declares, resolving the Patent of Drogheda to be void, upon this reason.

4. Because (as both Houses of Parliament resolved in their (k) Declaration of October 23. and Remonstrance, Novemb. 2. 1642. published in print to all our Kingdoms and the World, (penned and assented to by some Grandees in present power) the King and his prevailing party whatsoever might else at any time seclude and pull out of the House of Parliament all such Members as they found adverse and opposite to their designs; Make whom and how many Members they pleased a Major part, to carry on their designs, and thereby destroy the whole Body of the Parliament by pulling out the principal Members, and pull up their Privileges by the roots. A treachery, injury, innovation, not to be tolerated or connived at in the least Degree, after so many Protests, Vows, Solemn Leagues, Covenants, Declarations, Remonstrances, both by the Parliament and Army, and so many years bloody Wars, for defence of the Rights and Privileges of Parliament. I shall therefore close up this particular with the memorable words of Lords and Commons forenamed Remonstrance,

ees, which I desire all Swordmen, the whole Nation, and those especially who were then Members, to take special notice of. (1) This Privilege of the Members, *sc.* (1) Exact copy
clusion from the House, and arrests (fore mentioned) *ibid p. 724.*
is so clear and essential a Privilege of Parliament,
that the whole Freedome of Parliament de-
pends upon it. For who sees not, that by this means un-
der false pretences of Crimes and Accusations, such and
so many Members of both or either House may be taken
out of it at any time, by any persons to serve a torn,
and to make a major part of whom they will at plea-
sure. And therefore as the Freedom of the Parliament
dependeth in a great part upon this Privilege, and the
Freedome of this Nation upon the Freedome of
Parliaments; We have good cause to believe, that the
People of England, knowing that their Lives and
Fortunes are bound up in this Bundle, will venture
their Lives and Fortunes in this Quarrel, Accur-
sed, and for ever execrated then let all those Sword-
men and Innovators be, who by any Machiavilian
Policies, Engines, or Instruments whatsoever, shall en-
deavour to deprive the Parliaments and People of
England, of this their antient essential Privilege and
Freedom; or necessitate them once again to venture
their Lives or Fortunes in this quarrel, to maintain
or regain the same by a New war or insurrection, a-
gainst the Imprisoners or Secluders of any of their duly
elected and best respected publick Trustees out of
our Parliaments in time to come (as they have oft times
done for some years by-past) to the subversion of Par-
liaments and Peoples general affront and discontent.
To prevent which danger, I could heartily wish, that a
free Legal English Parliament might be duly summoned,
either by the Peers of the Realm, or by the Free-
holders, Freemen, and Burgesses of every County, City,
and Borough, in their default, according to the late Act
for triennial Parliaments, yet in force (to which many
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in present power were assenting) to redress all high violations of our Parliaments just Rights and Privileges, and prevent the like for the future , reform all publick Grievances, remove all unrighteous oppressions, compose our manifold sad Divisions , Schismes, Fractions both in Church and State , and settle our three distracted Kingdoms in such unity, peace, prosperity, after all our destructive wars, as all good men long, pray for, and none but Traytors , or professed Enemies to our Tranquillity and Welfare, can or dare oppose.

15. The whole *House of Commons* (^{ms}) impeached, and the *Lords House* judicially sentenced Dr. *Martin* (then a Member of the *Convocation*) for preaching before the King , and publishing in print in two Sermons, intituled *Religion and Allegiance* , contrary to the *Laws and Statutes of this Realm*, and propriety of the Subject,

1. 'That the King is not bound to keep and observe the good Laws and customes of the Realm, concerning the Rights and Liberties of the Subject, who undoubtedly inherit this Right and Liberty not to be compelled to contribute any tax, tallage, aid, or to make any loans, not set or imposed by common consent, by Act of Parliament : And that his Royal will and command in imposing Loans, Taxes, and other Aids without Common consent in Parliament, doth so far bind the conscience of the Subject of this Realm, that they cannot refuse the same without peril of damnation.

2. 'That those his Majesties Subjects who refused the Loan imposed on them, did therein offend against the Law of God , against his Majesties supream Authority : and by so doing became guilty of impiety, disloyalty, rebellion, disobedience, and lyable to many other Taxes and censures.

3. 'That authority of Parliament is not necessary for

'for raising of Aids and Subsidies, That the slow
 'proceedings of such Assemblies are not fit for the
 'supply of the urgent necessities of the State, but ra-
 'ther apt to produce sundry Impediments to the just
 'designs of Princes : and to give them occasion of dis-
 'pleasure or discontent.

For which Sermons and positions the *Lords House*
 adjudged, 1. That this Dr. Manwaring (notwithstanding his humble Petitions, and craving pardon for these offences) shall be imprisoned during the pleasure of the House. 2. That he be fined 1000 l. to the King. 3. That he shall make such a Submission and acknowledgement of his offences, as shall be set down by a Committee in writing, both at the *Lords Bar* and in the *House of Commons* (which he accordingly made.) 4. That he shall be suspended for the time of three years from the exercise of the Ministry. 5. That he shall be for ever disabled to preach at the Court hereafter. 6. That he shall be disabled hereafter to have any Ecclesiastical dignity or secular Office. 7. That the same Book is worthy to be burnt, and that for the better effecting thereof, his Majesty may be moved, to grant a Proclamation to call in the said Books, that they may be burnt accordingly in London, and both Universities, and for inhibiting the printing hereof upon a great penalty. Which was done accordingly.

Whether some late Court-Chaplaincy, or Parishes have not incurred the like offences, and demerit not as severe a censure as he, for some Sermons, and printed Pamphlets, * Instruments of like nature; is worthy. Artic. 27, the consideration of the next publike Assembly, and 28, 29, future English Parliaments.

XV. The (n) House of Commons sent for, and committed Mr. Laughton, and Mr John Trelawny, to the May 1628, Tower, and Sir William Wray, and Mr. Edward Trelawny, to the Sergeants at Arms, during the Houses pleasure, and ordered them to make a Recognition of their

offences at the Assizes in Cornwall for interrupting the
freedomes of Elections in that County; For that some
of them being Deputy-Lieutenants, and others of them
Justices of Peace of the County of Cornwall, writ Letters
to this effect. ‘Whereas the safety of the Realm
depends upon the Parliament, we the Deputy-Lieute-
nants and Justices to whose care the County is com-
mitted, finding A, and B, fit persons, have desired
them to stand to be Knights, whereof we give you
notice; and advising Sir John Eliot and Mr. Carton
to desist, that they wished them not to be chosen,
and menacing them in this manner, but if you go on,
we will oppose you by all means, lest his Majesty sus-
pect our fidelity; since you know how gracious you
are to his Majesty, and how many waies he hath
expressed his displeasure against you. And his Ma-
jesty will conceive your Election to be an affront to
his service, and so we shall draw the displeasure of
the King on us. Our hope is, that you out of con-
science and loyalty will not seek this places; and we
let you know, that if you do, we will oppose you all
we can, &c. And writing Letters to others of the
County to this effect. ‘Whereas unquiet Spirits
seek their own ends, we desire men of moderation
may be chosen, and we desire you to give your Voi-
to A. and B, &c. And for that besides these Letters,
they warned the trained Band to attend the day of the
election. By which Letters, Monaces, and Practices
they were voted guilty, as practising to pervert the free-
doms of the election of the Knights of that County; and
thereupon thus censured by the House. On the 28 of
the same May 1628. Sir John Eliot reported from the
Committee sundry complaints against the Lord Mo-
bun, Vice-warden of the Stannaries in Cornwall, by the
Tinners of that County, whereof this was one, That
the Tinners in Cornwall, have time out of mind used to
elect a Parliament of Tinners, so often as there is occasion,

28 May
1628.

Summary

summoned ever in this manner. The Lord Warden of the Stanneries grants his Commission to the Vice-Warden, who thereupon directs Summons to the 4 Maiors of the 4 Divisions of the Stanneries, appointing them to elect within every Division, 6 Tinners to be elected by the Mayor and his Corporation; and so the parties elected are returned to serve in their Parliament. That the Lord Mohun being Vice-Warden at Christmas then last past, sent his Warrant to the 4 Maiors, commanding them to elect such and such Persons by name to be Tinners for the Parliament. The Maiors obeyed, and summoned the men, who met the 4th of January last. Upon the meeting, the Tinners questioned the lawfulness of that Parliament. First, because there was no Commission (from the Lord Warden, but only a Letter) and that for a meeting only to confer. 2. For that the Election was not free and due. VVhereupon that Parliament was dissolved as void. Upon which the Lord Mohun the 5 of February, sent out new Summons to the Maiors, that they should reassemble such and such Persons as he named in his Warrant; who meeting together, he persuaded fourteen of them (against the Protestation of the other ten) to impose the sum of 500l. upon the Tinners, towards the maintenance of their Liberties, as he pretended; and sent forth his Warrants to collect the Money fitting this Parliament. VVhich the Tinners complained of in Parliament, as a great Grievance and impeachment of their privilege, and freedom of their elections and Parliaments; and was so voted by the Commons House, and the Lord Mohun thereupon summoned to answer the charge. Whether the Freedom of many late Elections of Members for this Assemblie in Counties and Burroughs, hath not been perverted, hindered, abolished, by like Letters, Mennaces from Whitehall, Major Generals, Captains, other Grandees; by drawing up Troops of armed Soldiers to the places of Election to terrifie the people; en-

joining such and such persons by prescribed Lists, Letters, and otherwise to be chosen, such and such to be opposed and not elected, as being persons disaffected, turbulent, unquiet Spirits, &c. and other indirect practices; (to make up a packed Court-Covenant, to carry on private designs, instead of a New Free-fair Parliament) is worthy the inquiry and censure of those whom it most concerns; to preserve and vindicate the Free-domo of Elections, long since established, against such practices, menaces, force and terror, by the Statute of 2 E. i.c. 5. which enacts,

* Because Elections ought to be free, the King commanded upon great forfeiture, that no great Man, nor other, by force of Arms, or by malice or menacing shall disturb any to make free Election. For violating which Law, and antient custome, the whole Parliament of 1 H. 4. rot. Parliament, nro: 36. thus impeached King Richard the 2. when they enforced him to resign his Crown, for his misgovernment in this particular amongst others. That althoough by the Statute and Custome of his Realm, in the Assembling of every Parliament, his People in all Countys of his Realm, ought to be free, to choose and depute Knights for the said Countys to be present in Parliament, and to declare their Grievances, and to prosecute remedies therupon, as it should seem expedient to them; To the said King, that he might be able in his Parliament more freely to obtain the effect of his rash will, frequently directed his Mandates to his Sheriffs, to cause certain persons nominated by the King himself, as Knights of the County, to come unto his Parliament. Which Knights verily favouring the King he might easily induce, as he frequently did; sometimes by divers Menaces and tenors, and sometimes by Gifts, to consent to those things which were prejudicial to the Realm, and very burdensome to the People, and specially to grant to the said King a Subsidy for certain

Se Cocks
2 Institutes
198, 169.

tain years, to the over-great oppression of his people, Which misdemeanour and incroachment upon the freedom of his Subjects elections, and packing of Parliaments for these ends, lost him not only his peoples hearts, but his very Crown, Regal Power and life. Which others who now tread in his footsteps, and exceed him herein, may do well, advisedly to consider, for fear of the like impeachment, and tragical events.

In 11 R. 2. Rot. Claus. dors. 13: The King sent Writs to the Sheriffs of *Kent*, and all other Sheriffs to summon a Parliament, with this New unusual clause, by reason of the differences between the King and his Nobles. *Eligere homines in debatis modernis maxime indifferentes.* But this being a Novelty, (contrary to the Freedom of Elections, and the Statute of 3 E. 1. c. 5.) & contra formam *Electionis antiquissimae usitate, et contra libertatem Dominorum et Communitatis regni hactenus obtentam.* Ideo, therefore this clause was struck out of the Writs, by order of Parliament ever since. And that Parliament was afterwards repealed, by the Parliament of 21 R. 2. When the Parliament of 6 H. 4. Anno 1404, was to be summoned, the King by pretext of an Ordinance of 45 E. 3. rot. Parl. n. 13, wrote Letters to the Sheriffs and other Officers; * That no Lawyer should be chosen or returned a Knight or Burgess for the Parliament, yet inserted it not into the Writ, as Walsingham and others mistake. But the very next Parliament after, 7 H. 4. the Commons grievously complained against the interruption of the Freedom of their Elections by these Letters; Whereupon, to prevent the like incroachment and interruption for the future, at the grievous complaint, of the Commons, of the undue Election of the Knights of the Counties for the Parliament, which be sometimes made at the affections of Sheriffs and otherwise, against the form of the Writs, to the great slander

* Walsingham,
Hist. Anglie, p.
414. Sir Edw.
Cook's 2. Infla-
mable C. 1: p. 10.

* 7 H. 4. c.
13.

of the Counties, and hinderance of the busynesse of the
 Commonalty in the said County; it was ordained and es-
 tablishid* by a special Act yet in force; that all that
 attend to the Election of the Knights in the full County,
 shall proceed to the Election freely and indifferently,
 notwithstanding any Request or Commandement
 to the contrary. By vertue of which Acts and premi-
 ses all late Letters to Major Generals and Sheriffs with
 like or worser clauses to restraine the people in the free-
 dom of their Elections, must be void and illegal. In
 18 H. 6. n. 18. A New Election and Writ was aman-
 ded and sent to the Sheriff of Cambridge, with procla-
 mation, That none should assemble with names to
 the new election, nor intermeddle in it without war-
 rant of Law, the former election being vacated by rea-
 son of the force and disturbance. Anno 38 H. 6. there
 was a Parliament summoned at Coventry on the 2. of
 November, wherein divers Knights and Burgesses
 were returned by the Sheriffs, nominated only by the
 Kings Letters (surreptitiously procured from him by di-
 vers seditionis and other evil disposed persons, so destroy
 and suppress others of a contrary party) without any elec-
 tion by the people: This packed Parliament ordered,
 That they should stand and serve as Knights and Burges-
 ses, though they were not elected nor duly chosen, and that
 the Sheriffs should not incurre the penalties of the Sta-
 tute of 23 H. 3. c. 11. as appears by 38 H. 6. n. 35.
 and the Statute of 39 H. 6. c. 1. But what was the is-
 sue? The very next year a new Parliament being sum-
 moned, the first Act they made, was, to declare this
 Parliament, and all Acts, Statutes and Ordinances made
 therein, to be null and void, and of no force and effect:
 Because it was unbully summoned, a great part of the
 Knights for divers Counties of this Realm, and ma-
 ny Burgesses and Citizens for divers Boroughs and
 Cities in the same appearing, were named, return-
 ed and accepted, some of them without due and free
 election

election, some of them without any election, against the course of the Kings Laws, and the Liberties of the Commons of the Realm; by the means and labours of the said seditious Persons, &c. As the Statute of 39 H. 3. c. 1. (worthy perusal and consideration of this next Assembly) resolves in positive termes, though not one of those then duly elected by the people was secluded. Which I desire all our ignorant violent *Swordmen, young Statesmen, and Instrument-makers* to take Notice of, for fear all their Conventions, Acts and proceedings prove meer Nullities in conclusion, upon this account of unfree and undue election, and seclusions of Members duly elected, against Law, and the Parliaments, Peoples Rights and Privileges.

16. In this Parliament of * 3 Caroli, the Attornies^{19. &c. 3.} of York complained to the Commons House, that King Charles in the second year of his reign had granted to Sir Thomas Mounson by Patent, the sole making of all Bills, Declarations, and Informations before the Council of York, and likewise the sole making of Letters Missivas and Processe in that Court for 3. Lives. The Committee of Grievances, and after that the whole Houle of Commons in the Parliament of 18 Iacobi, and after that in the Parliament of 19 Iacobi 29 Novemb. adjudged the like Patent as this made by King James to John Lepian & Iacobi of this Office, To be a Grievance and Monopoly, both in the creation and execution. And the whole Committee of Grievances, and Commons House upon the Report and full debate of this Patent to Sir Thomas Mounson, adjudged it likewise to be a Grievance, both in the Creation and Execution, in respect of Bills, Declarations, and Informations; though not in respect of Letters and Processe; the sole making whereof the King might lawfully grant upon the erecting of this Court by a special Patent, but being mixed with Bills, Declarations and Informations in the same Patent, they adjudged the whole Patent to be a Grievance.²

vance, (as they likewise resolved the Earl of Holland his Patent of Exchange, for the sole buying of Gold and Silver, to be a Monopoly and Grievance, both in the creation and excision, June 23. 1618.) And that principally for 3 Reasons. First, because it was a * Monopoly within the Statute of 21 Jacobi, tending to the prejudice of the Attorneys of York in their very Profession of making Bills, Declarations & Informations, which they antickly made; and likewise of the people, who must dance attendance on this sole Secretary and his Clerk, til they were at leisure to affatch their Bills and Declarations. 2ly, Because upon the making of Bills and Declarations men must shew their evidences to this Patenter and his Clerks, and trust them with them, as in cross Bills they must see the evidences of both parties, which would be very mischievous and prejudicial to the Clients, 3ly, Because this would erect a New fee, and bring a New charge upon the people: Which fee Lepton took for the execution of his Patent, though Mounson had not yet taken any New fee. And whether the old Court project (which I formerly twice quashed) now about to be revived, as I hear, of errecting Registers in every County, to record all Mortgages, Feesfments, Leases, Sales of Lands, Statutes, Fines and Obligations made thererin, to prevent fraudulent conveyances, and other mischieves, as the Projectors pretended; but in truth to put a new charge, fee, and intollerable vexation upon all sorts of people, to their intollerable prejudice, and vast expence of many thousand pounds a year for fees, and travelling charges, which these Projectors only aim at for their private Lucre, and to discover all mens real and personal Estates (as King Richard the first, and his Successors did the English Jews estates and wealth, by the self-same device, and then seised and confiscated them at their pleasures; as you may read at large in the First and Second part of my Short Demurrer to the Jews long discontinued barred Remitter into England)

* See Cooks 11.
Report, f. 84.
85, &c.

England,) will not prove a greater Grievance than this Patent, for the self same reasons, and sundry others. Whether the Committee for sole approbation of Ministers to livings, who must all post up to London, and there dance attendance sundry weeks or Months to their vast expence; and oft times return at last without their expected preferments, without any sufficient cause alleged either to their Patrons or themselves, being held fit for other livings, but not for those to which they are presented, especially if benefices of good value or note, to which some of the Approvers their Friends or kinred have an eye). And the New fees there paid to their Clark and Register for approbations and admissions, be not as great a Grievance. See my hum-
and Monopoly, as this of Lepton and Mouson, fit to be redressed; I refer to the approaching Assemblie, and others to resolve, upon full debate, and sundry complaints I have heard made by divers against their Proceedings, and New erected Fees; Which cannot be created but by act of Parliament, as is resolved 13 H. 4. 14 Brook Patents 100. Fitzb. Nat. Brev. f. 122. Cook 11 Report. Darcies Case fol. 86. b.

17. They appointed a* special Committee to hear, examine, report, punish the manifold complaints of the Counties, and Corporations of England, against the New exorbitant power and proceedings of Lieutenants and Deputy-Lieutenant, in quartering Soldiers in

ment Houses against their wills, in imposing rates and taxes on the Country without Act of Parliament for the payment and billeting of Soldiers, and levying them by Soldiers on such as refused to pay them, by quartering Soldiers upon them till paid, or imprisoning, or vexing the Refusers. For which these Lieutenants, Deputy-Lieutenants, and Officers of the Soldiers were sent for as Delinquents, and their New power and proceedings voted to be contrary to Law, and the Subjects Liberties, Pernicious to the Country, and dishonorable to the

* 24 Ch. 28
March. 2. 1615.
April. 19 May,
S. c. 1618.

King. And whether the late erected *New Powers* of our *Major Generals*, and their *Deputies* throughout *England* be not such (in imitation of (o) Wil. Longham) the first *Protector* in the Reign of *Richard the first*, who placed in every County armed Troops of *Mercenary Soldiers*, under *New Governors* of his own Creatures, to over-arme and enslave the People, and impose what *Taxes* and exactions he pleased, under pretext of preserving the publick Peace, and suppressing theevs and *Tumults*, yet was (havocfully stript of all his Authority, and forced to flye over Sea, disgrifird in Womens apparel, within one year after, notwithstanding all his Guards, or Gardeons; or of the (p) *Turkish Bashaws*, and *Boglerbegs*, as most Patriots of their Countries Freedome, and the ordinary people mutter) and their exorbitant Tyrannical proceedings in apprehending, taxing, decimating, dis-officing, dis-franchising, and sequestring all sorts of men in Counties and Corporations at their pleasure; in controlling all Officers and Ministers of Justice; in intermeddling with all mens futes and caules upon any informations, or Petitions, after Judgements, Verdicts, Decrees, and whiles pending or ended in any Courtes of Law or equity; in summoning the parties to appear, before them, and committing, menacing them for not appearing; in usurping all the Civil as well as Military Power and Jurisdiction into their own hands; in levying illegal Taxes by Souldiers, and quartering them upon Refusers, (adjudged High Treason in *Straffords Case*, for which he lost his Head) sequestring Ministers at their pleasures, and taking upon them to nominate all Jurymen, and New Parliament men to the Sheriff, as some of them have done, and commit men to Prison upon civil causes or futes; I leave to all such who have taken the Protestation, the solemn League and Covenant, to all Lovers, Patrons of English Liberties, and Declamers, Engagers against arbitrary Tyranny, yea to the

(o) *Hovenden Annal: pars posterior p. 705 to 736. Subrigentis Hist. l. 4. c. 14 to 19. Godwin in his life p. 247 to 271. My new Discovery of Prelate Tyranny p. 77. &c.*

(p) See *Turc imperii status & descriptio Lugduni 1634.*

the Consciences of all those army Officers, Souldiers, and Major Generals themselves to resolve, who were pen-
ters, subscribers, approvers, applauders of, or assenters
to the printed *Engagements, Remonstrances, Repre-
sentations, Proposals, Desires, Letters, and Resolutions*
for selling this Nation in its just Rights, the Parlia-
ment in their just Privileges, and the Subjects in
their just Liberties and Freedoms, published in the
name of the General and general Council of the
Army, and of all officers and Souldiers of the Army,
in one Volume, London 1647. Which how
sincerely they have since (for the most part
of them) performed, let God, their own con-
sciences, and our whole Nation determine. To ex-
piate which former guilt, let them now at last upon
second and sober thoughts, effectually make them
all good, to avoid the perpetual infamy of the most
despicable *Perjury, Treachery, Hypocrisy, Fraud, Im-
punity, Apostasy, Tyranny, Atheism* that ever any Christi-
an Saint-like Army and Officers were guilty of in the
eyes of God or men, which else they will incurre:
and for the present settlement of our three Nations,
in their *Liberty, Peace, and Christian Unity*, without
more effusion of English, Scottish, or Irish blood, to
regain those just fundamental old Rights, Liberties,
Privileges, Freedoms, Laws, for which they first took
up Arms (in reality or pretence at least) against the
beheaded King, transmitted to them by their An-
cestors, and their richest Birth-right, and best Inher-
itance, as therefore most unfit to be all betray'd, surren-
dered, lost, subverted now, without any further dispute,
after so many years conflicts for their preservati-
on.

I shall close up all with this memorable *Petition* of the
whole House of Commons to the late King, by the Spea-
ker and whole House at Whitehall concerning the intoler-
able Grievance of billeting and keeping of Souldiers

amongst them, but for a few months only) in that Parliament of 3 Carols, April 24. 1628. which the King then granted, and provided against for the future, in the Petition of Right (though since condemned (q) as the worst and greatest of Tyrants by some, who succeed him at Whitehall) And therefore is much more just and reasonable to be granted by them now, for the Peoples case, after so many years of incessant Contributions, quartering and continuing of armed Mercenary Souldiers amongst them, Winter and Summer, without any actual employment for them, but to terrifie, seize, imprison, Guard, oppresse, enthrall, impoverish, disinherit of all hereditary Liberties, rights, privileges, out English Freemen at their pleasures, and to over-awe, force, dissolve, even Parliaments themselves, and secure, seclude their Members, for whose Protection they were first raised; When as the Parliament of 5 R. 2. rot. Parl. n. 1. was adjourned for 3 days space, because great force of armed men, and otherwise arrayed in Warlike manner, came to the Parliament, by reason of the great debate between the Duke of Lancaster and the Earl of Northumberland. And the Parliament of 11 R. 2. & 21 R. 2. were both repealed, because they were held with many armed men, and Archers, who over-awed, enforced them to consent to bills against their wills: as the printed Statute of 21 R. 2.c. 12. & 1 H. 4. rot. Parl. n. 20, 21, 22, 38, 70. at large inform us; so inconsistent are force and arms with the freedome and essence of a true English Parliament; as the armies Confederates in their own Ordinance of 20 August 1647. the Speakers own printed Letter July 29. 1647. with the Solemn Protestation of the imprisoned and secluded Members, December 11, and Febr. 13. 1648. will further resolve the Nation, and Souldiers, against whose billeting, and scattering abroad in companies here and there, in the heart and bowels of the Kingdome, to enthrall and oppresse it,

(q) See the Declaration of March 17. 1648. with the sentence against him.

it, the whole Commons House then thus petitioned.

To the Kings most excellent Majesty:

In all humbleness complaining, sheweth unto your most Excellent Majesty, your loyal and dutifull Commons now in Parliament Assembled. That whereas, by the Fundamental Laws of this your Realm, every Freeman hath, and of Right ought to have, a full and absolute propriety in his goods and estate, and that therefore the billeting or placing of Souldiers in the House of any such Freeman against his Will, is directly contrary to the Laws under which we and our Ancestors have been so long and happily Governed. Yet, in apparent violation of the said ancient and undoubted Rights of your Majesties Loyal Subjects of this your Kingdome in Generall, and to the grievous and intupportable vexation and detriment of many Countys and persons in particular, A new and almost unheard of way hath been invented and practis in practice to lay Souldiers upon them, scattered in companies here and there, even in the heart and bowels of this Kingdome, and to compell many of your Majesties Subjects to receive, and lodge them in their own Houses, and both themselves and others to contribute towards the maintenance of them; to the exceeding great disservice of your Majesty, the general terror of all, and utter undoing of many of your good people. In so much as we cannot sufficiently recount; nor is any sort proportionably to the lense we have of our present misery, herein are we able to represent to your Majesty, the innumerable mischiefs and most grievous extactions, that by this means alone we do now suffer; whereof we will not presume to trouble your sacred Ears, with particular information. Only most gracious Sovereign, we beg leave to offer unto your gracious view,

and compassionate consideration, a few of them in general.

* And now in more places the Souldiers have wholly withdrawn them both from our Churches and Ministers. See Mr. Edwards Gangrene.
* And are they not much more so now?

1. The service of Almighty God is hereby greatly hindered, the * people in many places not daring to repair to their Churches, lest in the mean time the Souldiers should rifle their Houses.

2. The ancient good Government of the Country is thereby neglected, and almost contemned.

3. Your Officers of Justice in performance of their Duties have been resisted and endangered.

4. The Rents and Revenues of your Gentry are greatly and * generally diminished; Farmers to secure themselves from the Souldiers insolence, being by the clamour and sollicitation of their fearfull and endangered VVives, and Children, enforced to give up their ancient dwellings, and to retire themselves into places of more secure habitation.

* Are they not now so more than ever?

5. Husbandmen, that are as it were the hands of the Country, corrupted by ill example of Souldiers, are * encouraged to idle life, give over their work, and seek rather to live idly on other mens charges, than by their own labours.

6. Tradesmen and Artificers almost discouraged, being enforced to leave their Trades, and to employ their times in preserving their families from violence and cruelty.

7. Markets unfrequent, and our waies grown so dangerous, that your people dare not passe to and fro upon their usual occasions.

8. Frequent Robberies, Assautes, Burglaries, Rapes, Rapines, murders, barbarous cruelties, and other late most abominable vices, and outrages, are generally complained of from all parts where these companies have been and made their abode; few of which insolencies have not been so much as questioned, and fewer, according to their demerit, punished.

This

These, and many other lamentable effects (most dear and dread Sovereign) have, by this billeting of Soldiers, already fallen upon your loyal Subjects, sending no less to the dis-service of your Majesty, than to their own impoverishing, and distraction. So that thereby they are exceedingly disabled to yield your Majesty those supplies for your urgent occasions which they heartily desire. And yet they are more perplexed with the apprehensions of more approaching dangers. One in regard of the Subjects at home; the other, of Enemies abroad. In both which respects, it seems to threaten no small calamity.

For the first, the meaner sort of your People being exceeding poor, Whereof in many places are great multitudes, and therefore in times most settled, and most constant administration of Justice, not easily ruled, are most apt upon this occasion to cast off the reigns of Government, and by themselves, with those disordered Soldiers, are very like to fall into mutiny and rebellion. Which in faithful discharge of our Duties we cannot forbear most humbly to present unto your high and excellent Wisdom, being possessed with probable fears, that some such mischiefs will shortly ensue, if an effectual and speedy course be not taken to remove them out of the Land, or otherwise to disband those uncivil Companies.

For the second, we do humbly beseech your Majesty * Are not many to take into your Princely consideration, that many of Soldiers now those Companies, besides their dissolute dispositions and secretly such, & carriages, are such as profess themselves * Papists; And openly Anabaptists, Quakers, Sikavies, revilers of our therefore to be suspected, that if occasion serve, they will rather adhere to a forein Enemy, (if of that Religion) than to your Majesty their Liege Lord, and Sovereign: especially some of their Commanders and Captains, being as Papistically affected as themselves, and having served in the wars on the part of the King of Spain or Arch-Duchess against your Majesties Al- church, Ministers? And are not some of their Commanders likewise such? lies.

Be it; which, of what pernicious consequence it may prove, and how prejudicial to the safety of all your Kingdom, we humbly leave to your Majesties high and Princely Wisdom.

And now upon these and many more which might be alleged, most weighty and important reasons, grounded upon the maintenance of the worship and service of Almighty God, the continuance of your Majesties high Honor and profit, the preservation of the ancient and undoubted Liberties of your people, and therein of justice, industry, and valour, which concerns the glory and happiness of your Majesty, all your Subjects, and the preventing of imminent Calamity, and ruine both of Church and Common-wealth; we your most humble and loyal Subjects, the Knights, Citizens, and Burgesses of the House of Commons, in the name of all the Commonalty of your kingdom, who are on this occasion most miserable, disconsolate, and afflicted, prostrate at the Throne of your Grace and Justice, do most humbly and ardently beg for the present removal of this unsupportable Burthen, and that your Majesty would be graciously pleased to secure us from the like pressure in time to come. Which King Charles then did by the Petition of Right, which I shall here insert; because almost quite forgotten by most men like an old Almanack out of date, especially by our Grandees.

To the Kings most excellent Majesty.

Humbly sheweth, unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in this present Parliament assembled; That whereas it is declared and enacted, by a Statute made in the time of King Edward the 1. commonly called Statutum de Tallagio non concedendo; That no Tallage or Aid shall be taken or levied by the King or his heirs in this Realm, without the good will or assent of the

Arch.

Archbishops, Bishops, Earls, Barons, Knights, Burghers, and other the Freemen of the Commonalty of this Realm. And by an Authority of Parliament holden the 25 year of the reign of King Edward the 3d. it is declared and enacted; That from thenceforth, no person should be compelled to make any loans to the King against his will, because such Loans were against reason, and the Franchises of the Land. And by other Lawes of this Realm it is provided; That none shall be charged by any Charge or Composition, called a Benevolence, nor by any such like Charge. By which Statutes before mentioned, and other the good Lawes and Statutes of this Realm, your Subjects have inherited this freedom: That they shoulld not be compelled to contribute any Tax, Tallage, or Aid, or other like Charge, not set by common Assent by Act of Parliament. Yet nevertheless of late divers Commissions (directed to sundry persons in several Counties, with their instructions) have issued, by pretext whereof your people have been in divers places assembled, and required to lend certain sums of mony to your Majesty. And many of them upon their refusal so to doe, have had an Oath not warranted by the Lawes and Statutes of this Realm administered unto them; and h[ave] been constrained to become bound to make appearance, and to give attendance before your Privy Counsel at London, and in other places: and others of them have been therefore imprisoned, confined, and certain otherways molested and disquieted; And divers other charges have been laid and levied upon your people in several Counties, by Lord Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others, by command or direction from your Majesty, or your Privy Counsel, against the Lawes and free Customs of the Realm.

And whereas also by the Statute called the Great Charter of the Liberties of England, it is declared and enacted, That no Free-man may be taken or imprisoned, or be disseised of his Freehold or Liberties, or free Cu-

stoms, or be outlawed, or exiled, or in any manner destroyed, nor passed upon, nor condemned, but by the lawfull Judgement of his Peers, or by the Law of the Land. And in the 28 year of King Edward the 3. it was enacted and declared by an Authority of Parliament, that no man of what State or condition soever, shall be put out of his Lands or Tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of Law. Nevertheless against the Tenor of the said Statutes, and other the good Laws and Statutes of your Realm to that end provided; divers of your Subjects have of late been imprisoned without any cause shewed: and when for their deliverance they were brought before your Justices, by your Majesties writs of *Habeas Corpus*, there to undergo and receive as the Court should order; and the Keepers commanded to certifie the causes of their detainer; no cause was certified but that they were detained by your Majesties special command, signified by the *Lords of your Privy Council*: And yet were returned back to several Prisons without being charged with any thing, to which they might make answer according to Law.

And whereas of late great companies of Soldiers and Mariners have been dispersed into divers Countys of the Realm, and the Inhabitants against their Wills have been compelled to receive them into their Houses, and there to suffer them to sojourn, against the Laws and Customs of this Realm, to the great Grievance and vexation of the people. And whereas also by authority of Parliament, in the 25 year of King Edward the third, it was declared and enacted: That no man should be forejudged of life or limbs against the form of the Great Charter: And by other the Laws and Statutes of this Realm, No man ought to be adjudged to death, but by the Laws established in this your Realm, either by the Customs of the same Realm, or by Act of Parlia-

ment. And whereas no Offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the Laws and Statutes of this your Realm. Neverthelesse of late time, divers Commissions under your Majesties Great Seal have issued forth, by which certain Persons have been assigned and appointed Commissioners, with Power and Authority to proceed Within the Land, according to the custome of Martial Law, against such Souldiers or Seamen, or other disolute Persons, joining with them, as should commit any Murther, Robbery, Felony, Muisiny, or other Outrage or misdemeanour whatsoever; and by such Summary Course and Orders as is agreeable to Martial Law, and as is used in Armies in time of Wars, to proceed to the Trial, and condemnation of such Offenders, and them to cause to be executed and put to death, according to the Law Martial. By pretext whereof, some of your Majesties Subjects have been by some of your Majesties Commissioners put to death, when and where, if by the Laws and Statutes of the Land, they had deserved death, by the same Laws and Statutes also they might, and by no other ought to be judged and executed. And also sundry grievous Offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers and Ministers of Justice have unjustly refused or forborn to proceed against such Offenders according to the same Laws and Statutes, upon pretence, that the said Offenders were punishable only by Martial Law, and by Authority of such Commissions as aforesaid. Which Commissions, and all other of like nature, extended to any except Souldiers, or Mariners, or to be executed in time of Peace, or when or where, your Majesties Army is not on foot, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

They do therefore humbly pray your most excellent Majesty, that none hereafter be compelled to make or yield any gift, Loan, Benevolence, Tax, or such like charge, without common consent by Act of Parliament: And that none be called to make answer, or take such Oath, or to give attendance, or be confined or otherwise molested or disquieted concerning the same, or for refusal thereof; And that no Freeman in any such manner as is before mentioned, be imprisoned or detained; And that your Majesty would be pleased to remove the said Soldiers, and Mariners, and that your People may not be so burthened in time to come; And that the aforesaid Commission for proceeding by Martial Law may be revoked, and annulled; And that hereafter no Commission of like nature may issue forth to any Person or Persons whatsoever, to be executed as aforesaid; lest by colour of them any of your Majesties Subjects be destroyed or put to death, contrary to the Laws and franchises of the Land.

All which, they humbly pray of your most excellent Majesty as their Rights of Liberties, according to the Laws and Statutes of this Realm; And that your Majesty would also vouchsafe to declare, that the awards, doings, and proceeding to the prejudice of your People in any of the premises, shall not be drawn hereafter in consequence, or example; And that your Majesty would also be graciously pleased for the futher comfort, and safety of your People, to declare your Royal Will and pleasure, That in the things aforesaid, all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they render the honor of your Majesty, and the Prosperity of this Kingdome.

To which Petition King Charles at last gave this full and satisfactory Answer : Soit droit fait come il est desire par le Petition : that is, Let All Right be done as it is desired by the Petition. To the unspeakaable joy of this Parliament and all his Subjects. Adding withall thereunto : I assure you my Maximis, That the Peoples Liberties strengthen the Kings Prerogative : and that the Kings Prerogative is to defend the Peoples Liberties.

The benefit of which most excellent Law, Petition, and of all the precedent Parliamentary Votes, Lawes (with the present repealing, and vacating all *Acta, Votes, Orders, Ordinances, Declarations, Resolutions, Judgements, Instruments* repugnant thereunto , as *merely void in Law*, by the express Statutes of 25 E. I. c. 2. 42 E. 3. c. 3. and the *Petition of Right*) we all now jointly and severally claim as our *undoubted Birthrights*, and as the *Price, Crown, Trophy, Guerdon* of all our late *Parliamentary Counsels, expended Treasures, Bloodysheds, Wars, Victories*, over the real or pretended Enemies of these our just Liberties, Franchises, Rights, Laws, and Introducers of an Arbitrary, and Tyrannical-Government repugnant thereunto (wherein many thousands of the Nobility, Gentry and Commons of the realm of chiefeſt rank hazarded their estates, bloud, lives in the field, as well as the Army-Officers, to preſerve and enjoy the forementioned fundamental Laws, Liberties, Rights and Properties) which we hope no true-bred *English Freeman or Swordman* whatſoever can have the hearts or faces to deny unto us, againſt all their former Protestations, Remonſtrances, Vows, Oaths, Covenants, Engagements, both to God and the *English Nation*, for fear of being made ſhorter by the head, as the moſt perfidious *Traytors*, or rolled into their graves in bloud by the over-oppreſſed

engaged people, as the most insolent oppressing Tyrants, yea tumbled headlong into Hell flames for all eternity, Soul and Body, by God himself, as the most perjured execrable Hypocrites and Impostors that ever England bred.

Gal. 5: 1, 13, 14, 15. Stand fast therefore in the Liberty wherewith Christ hath made us free, and be not instangled again with the yoke of Bondage. For Brethren, ye have been called unto Liberty: only use not Liberty for an occasion to the flesh, but by love serve one another. For all the Law is fulfilled in one word, even this, Thou shalt love thy Neighbour as thy self. But if ye bite and devour one another, take heed that ye be not consumed one of another,

An



An Appendix to the Premises

HI hath been the ancient Plot, and long agitated design of Robert Parsons, and other Jesuites and their Instruments, under pretext of reforming the Common Laws and Statutes of England, to alter, subvert abolish the Great Charter, Common fundamental Laws of the Land, and principles of Government, whereon the Justice of the Kingdom, and Liberty and Property of the Subjects are established; as I have irrefragably proved at large, by Robert Parsons his Memorial for Reformation of England, written at Sevil in Spain, An. 1590. by William Watson (a seminary Priest) his Quodlibets, printed 1601. p. 92, 94, 95, 286, 330, 332. A Dialogue between a secular Priest and a Lay-Gentleman, printed at Rhemes 1601. p. 95. William Clark (a Roman Priest) his Answer to the manifestation of Father Parsons, p. 74, 75. Robert Parsons own manifestation of the folly, and bad spirit of certain in England, calling themselves Secular Priests, f. 55. to 63. Mr. Thomas Smith his Preface to Mr. John Daillae, his Apology for the Reformed Churches: Cambridge, 1653. p. 12, 13, &c. The Declaration of the whole House of Commons, 15. Decemb. 1641. Exact Collection, p. 3, 4. Ludovicus Lucius, Historia Iesuistica, p. 318, 319, 535. and other Evidences in my Epistle to A seasonable, Legal, and Historical vindication of the late King Charles I. and his Ministers, and the Commonwealth of England, 1659. p. 12, 13, &c.

Vindication of the good old fundamental Liberties, Rights, Laws of all English Estates; and to A New Discovery of Free-State Tyranny, to which for Brevity I refer the Reader. That it hath been the *Souldiers and Anabaptists* design, endeavour, to put this their *Iesuistical Plot* against our *Laws in execution*, under pretext of reforming the corruptions in the *Law*, and *Lawyers*, by the Tutorship of the disguised *Iesuities* (swarming amongst us, and having a *Consistory and Council abroad*, that *Rules* all the affairs of the things of *England*; as their own General, O. Cromwell himself avers in positive terms to all our three Nations, and the world, in his printed *Speech in the painted Chamber, September 4. 1654. p. 16, 17.*) I have there likewise demonstrated, and is so experimentally visible to all men by their frequent *Consultations, Committees, Treatises, Discourses, Votes, and Instruments set on work*, to regulate our *Laws*, that it needs do further proof.

The excellently connatural soft, convenience of the *Laws of England* to *Englishmens tempers*, is so fully expressed, demonstrated by *Fortescue*, in his Book *De landibus Legum Anglia*, *Glanvill*, *Briston*, and others of antient, and by *Sir John Davies* in his Epistle to his *Irish Reports*, *Sir Edward Cook* in his Epistles to his *Reports, Institutes*, with others of later times: by the very *New Modellers* of our old hereditary *Kingdom*, into a puny *Free-State*, in their *Remonstrance of March 17. 1648.* and by *Mr. John Pym*, and *Mr. Oliver Saint-John*, in their late *Parliamentary Speeches*, printed by the *Commons House* special Orders; that I shall not spend waste-paper to commend them, being the most excellent *Laws of all others in the world*, as they all unanimously resolve. I shall only adde to their *Encomiums* of them: That the extraordinary care, diligence of our *Ancestors*, and all our *Parliamentary Councils* in former ages, to maintain,

preserve, defend and transmit to posterity those good old *Laws* we now do or should enjoy, with the last long Parliaments impeaching, beheading *Strafford* and *Canterbury* for *Arch-traytors* for endeavouring to subvert them with their innovations on the one side, and the late King and his Partisans on the other side, in above *500 printed *Declarations, Orders, Ordinances,* * *In the collections of Or- Proclamations, Remonstrances; that the principal end of all their consultations, arms, wars, taxes, Impositions, d nances, prin- cesses orders.* expences of infinite Treasure and Blood; in all the unhappy contests against each other; was inviolably to defend, maintain our *Laws* and the Subjects *Liberties*, secured by them as their best *Patrimony, Birthright, and Inheritance;* the inserting thereof into all their *Generals and Military Officers Commissions*, and all *Ordinances*, to raise monies for the Armies pay; is an unanswerable evidence of their transcendent excellency, utility, preciousnesse, value, esteems, in the eyes of our Parliament and whole Nation: And a convincing Discovery of the *Lesmitical Infatuation, folly, frenzy, treachery* of those *Swordmen* and their *Confederates*, who now revile, traduce, and endeavour all they may, to reform, alter, subvert those very *Laws*, and *Liberties* which they were purposely commissioned, waged, engaged inviolably to defend, both by the *Parliament*, and *People*, and for which end they formerly professed, declared in many printed* *Remonstrances* of their own, *they fought and hazarded their lives in the field;* yet now would * *Printed* conquer, and trample under feet, as if they had only fought against them and our hereditary *Liberties* confirmed by them.

I must confess, there are some few *Grievances, Abuses*, not in the *Theory*, but *Practice* of our *Laws* (introduced by dishonest *Attorneys* and *Solicitors* for the most part) fit to be redressed by the *Judges of the Law*, (as some of them have been upon complaint) which

which I my self had many years since reformed (as I told Mr. Shephard upon his fore-mentioned motion to me) had not those Army-men violently pulled me with other Members out of the House; and interrupted the settlement, peace, liberty, ease from taxes, excises, and good Government of the Kingdome, by a happy close with the late King, upon more safe and honourable terms of Freedom and happiness to the whole Nation and our Parliaments, than ever we can hope for from our New Governours or Sword-men; to usurp the Sovereign Power of King and Parliament into their own hands, and perpetuate our Wars, Taxes, Excises, Armies, and Military Government upon us, from generation to generation, as experience now manifests beyond contradiction, not for the peoples safety, ease, wealth, tranquillity, as they then pretended: which people though they then cried up, * voted for the only Supreme Authority; their free elections for the only Basis of all lawfull Magistracy, Power, in and over the Nation, and their safety as the Supreme Law; yet now they impiously trample upon us their conquered slaves, and both by their publike speeches, actions, proclaim to all the world, They now no more value them than they doe the very Acorns of the Swine, or dust of their feet, no furher than they are subservient to their own aspiring designs, and selfish ends.

For those few remaining Abuses in our Laws execution yet unredressed by former Laws, as they no waies concern the army, or army-Officers as Soldiers, being out of their calling, Commission, and fit only for Judges, or Parliaments in their defaults, to redresse: So they concern not the generality of the People (many thousands of them having no sute at Law in all their lives, and the most of them very rarely) but for the most part only some Litigious, contentious persons, who out of their pride and animosity, occasion these abuses, and prolongations of suites in Law, which they

* January
1648.

and others complain against, and therefore are justly punished and rewarded by them; the expensiveness and tediousnesse of their Law-sutes, being the best means to correct, cure their contentious malicious spirits: other sutes between peaceable persons being soon determined without any great expence, or length of time, if diligently prosecuted by honest Lawyers, Attorneys, and Sollicitors.

But the Grievances these *Martial Reformers* of our *Laws* have introduced, under pretext of reforming some petty *Abuses* in the practice of the Law and Lawyers, are of a far more grievous, generall, and transcendent nature, subverting the very Fundamental Laws and Liberties of the whole Nation; and burthening them with two or three Millions of extraordinary Taxes, Expences every year, whereas all the abuses in the Law if rectified, amount not to above 5 or 6 thousand pounds a year at the most, and those voluntarily expended by litigious persons, not exacted from, or imposed upon any against their Wills, as Taxes, Excises, Imposts, Tunnage and Poundage now are by the Souldiers, without Act of Parliament against our Laws. Which if redressed by the *Swordmen* now, is not out of any affection towards, or design to ease the People, but out of spleen to the Profession and Professors of the Law, and to increase the Peoples monthly Taxes to the *Souldiers*, and maintenance of their new war, to tenfold the value every year at least, to what they now expend in Law-sutes by reason of these *abuses* they would now redresse; which will be nothing so grievous, expensive to the People, as those alterations they intend to make in our Laws and legal conveyances, which will but multiply Sutes, and draw all mens estates into future sequestration in few years space.

There are four things specially provided for by our Fundamental *Laws*, and the original constitution of

our Government, which principally concern all the Freemen of *England* in General, above all things else.

1. The Privileges and Freedome of their Parliaments and their Members.
2. The safety and liberty of their Persons.
3. The propriety of their Estates.
4. The Free course of Common Law, Right, Justice.

All which our *Army Reformers* have lately violated in the highest degree, beyond the Presidents of the worst of former ages, against all Laws of God and the Land, their own Commissions, Trusts, Declarations, Protests, Vows, Leagues, Covenants, Engagements, without any colour of lawful Authority; to the whole Nations intollerable Grievance, Injury, Oppression, Impoverishing, enslaving, and yet would be reputed the only *just, upright, faithful, righteous, conscientious Protectors, Reformers of our Laws, Grievances, government, and Gods most precious Saints*; and all others mere *Malignants or Disaffected persons to Liberty and Reformation*, who oppose or dislike their proceedings, excluding them out of their New Parliaments as such, when elected most freely by the People.

1. For the Privileges, Freedom of Parliaments, and their Members, formerly held most sacred and inviolable, (c) They have in their own and the *Armies* name, impeached, imprisoned, suspended from sitting, many Members of both Houses; marched up professedly against them; contrary to their Trusts, Commands, and the express Statutes of 5 R. 2.c. 4. 5 H. 4. c. 6. 8 H. 6.c. 1. 4 H. 8.c. 8. forced them to retract their own Orders, Votes, Ordinances; eject, imprison their own Members, and Vote what they prescribed them. Since which they imprisoned, close imprisoned my self, with sundry other Members, in remote Castles, sundry years, without any cause, hearing, or recom-

(c) See the Epistle and Appendix to my Speech in Parliament, and the History of Ind-pendency.

pence for this transcendent injustice ; And not content herewith, they contrary to both Houses Votes seised, impeached, abused, condemned, beheaded the late King, (d) *The head of the Parliament* ; suppressed, abolished the whole House of Lords, the antientest, ^{(d) Cook's 4 Inst. c. 1. & mo-} chiefeſt Members of it; ſecured, ſecluded the greatest part of the Commons House ; and forcibly diſſolved the Parliament it ſelf by the Sword, without any writ, contrary to an expreſſe act of Parliament. And how they have disturbed, ſecluded, abused, diſſipated, diſbouled their own mock-Parliament , and their Members even in the like manner; How they and their new Instruments have New-modelled that they now call our Parliaments ; how they have deprived many anti-ent Burroughs, Cities, of their right of electing Burgeſſes, or of ſo many Burgeſſes as they ought, contrary to their Charters, and the expreſſe Statutes of 5 R. 2. c. 4. 1 H. 5. c. 1. 32 H. 6. c. 15. 9 H. 8. c. 18; diſabled many thousands of their Votes in Elections, who have Voices, and enabled others to be Electors who have no Votes by our Laws; incorporated Scotch, and Iriſh Knights , Burgeſſes as Members into their late Parliaments, and interrupted the Freedom of E-lections, by Letters, Menaces, armed Troops, Soldiers, and other indirec[t] means, against the Statute of 3 E. I. c. 5. the great Charter, and Constitutions, Laws, Rights, Privileges of our Parliaments; (to make what Persons and Number of their own creatures they please, a pre- tended Parliament, to bind our three Nations (by co- lour of a void, illegal Instrument , made ſodenly by a few Privadoes of their own in a corner; having no more legal force to bind our three Nations or Parliaments, than a Fiddle-string, or the new Cords wherewith the uncircumcized Philistines by their treacherous Dalilah bound Sampson of old; which he brake from off his arms like a thred, Judg. 16. 12.) All which is ſo well known to themſelves, and others, that I ſhall not i[n]ſiſt any fur-

ther thereon. And are not all and every of these far greater abuses, & of more general important concernment to the whole Nation, than any they would now reform, or declaim against in our Laws, or Lawyers' fit

* See the Epistle to my Speech in Parliament, p. 15, 16.

(e) Their Remonstrance and Representation, art. Aug. 2. & 18. 1 & 7 Decem. 1647. Their charge, June 14. 1647.

Their Remonstrance and Representation, art. Aug. 2. & 18. 1 & 7 Decem. 1647. Their charge, June 14. 1647.

feitures, they have imposed on others for levying warre, and adhering unto the late King against the Parliament ; which they but mediately and indirectly opposed and warred against, but themselves immediately, actually , directly warred upon, seized, secured, dissolved, destroyed, against their Trusts, Commissions to defend both the Parliament and the Members of it from force and violence : and therefore are the

* Their Instrument of Government, art. 14. 16.

(f) Article 14. 16.

* far greater Delinquents, and uncapable to give any voice to elect any Members, or to be elected or fit in the three next Parliaments, by their own self-condemning Censures, Declarations, (f) New instruments, and Verdicts passed against others; and by St. Pauls own Verdict, Rom. 2. 1, 2, 3. are inexcusable, and shall not escape the judgement of God : though they escape the sentence of all humane Tribunals, for their offences of this nature.

2. For the safety and liberty of their Persons, these Army-Reformers have contrary to the Great Charter, all other Fundamental Laws, Statutes, the Petition of Right it self, and premised Votes in the Parliament of 3 Carols, in New-created Military Courts of Justice, impeached, condemned, executed not only the late King and sundry Nobles, but likewise

Knights,

Knights, Gentlemen, and other Freemen of all ranks, callings, without any lawfull Inditement or Tryal by their Peers, for offences not capital by our known Laws; Forcibly apprehended by armed Troopers, the Persons of Parliament-men, Noblemen, and others of all sorts; imprisoned, close-imprisoned them in remote Castles, under armed Guards, and translated them from one Castle to another, and my self amongst others, without any legall examination, accusation, hearing, or cause expressed; banished some, and imprisoned others, (yea some of their own Military Officers, and greatest Friends) in those forein Isles, Castles, (whither the Prelates and Old Council-Table Lords, banished me and my fellow-brethren heretofore) without any legal Sentence; imprisoned, close imprisoned thousands at a time upon sudden carnal fears and jealousies (unbefitting Saints, Christians, or men professing so much faith, confidence in God, and such signal ownings both of their Persons and present Powers by God himself, as they have done in publick or private from time to time, and having an whole Army to guard them) and dragging them out of their Houses, beds, in the night by Souldiers, and shutting them up in inconvenient places; banished multitudes from time to time, from London and other parts, for sundry months together; confined others to certain places; impressed thousands for Land and Sea-services, and forein imployment (as well Apprentices as others) against their wills, and carried them away perforce to, and others from forein Plantations, to the Indies, where they have lost their limbs, lives, to the ruine of their families and Masters. Degraded all our Nobles without any lawfull cause or hearing, of all their personal, hereditary Powers, Trusts, Commands: Disfranchised, disofficed Judges, Justices, Recorders, Maiors, Aldermen, Common-council-men, Freemen, Servants, and many such very lately even by Major Generals, and their Deputies

puties at their pleasures, taking far more Authority upon them now in all places in this and other kinds, than ever any Kings of England did, in late or former ages. And that which transcends all Presidents, imprisoning Lawyers themselves, as *grand Traitors*, and *Delinquents* in the *Tower of London*, only for arguing their *Clients Cases*, according to their *Oaths, Duties*, in defence of their *Common Fundamental personal Liberty and property*, when illegally committed for refusing to pay unjust *Excises and Imposts*, without *Act of Parliament*, in the late case of Mr. *Cony*, and threatening to imprison others for prosecuting lawfull suites : when as the late King they beheaded for a *Tyrant*, freely permitted my self, and other Lawyers, to argue the cases of *Knight hood, Loans, Shipmoney, Imposts, Tonnage and Poundage*, which so much concerned him, without imprisonment or restraint. And are not these, with the denying *Habeas Corporaes* to some, stopping the returning, or benefit of them when returned, to others, far greater Grievances, Abuses (which concern every Subject alike, and strike at the Foundation of all our Liberties) than any these *Sword-men* dislike or declame against in our Laws or Lawyers ? fit now to be redressed. If any private person injure any Freeman in any of these kinds forementioned, he may be remedied and recover damages by an *Action of the Case, Trespass, or false Imprisonment*; but being thus injured by our New White-hall Grandees, *Swordmen, Soldiers, Committees, Excise-men, Major-Generals*, their *Deputies, or Deputy Deputies*, who all imprison, disfranchise, oppresse men at their pleasures, (which [f] *none of our Kings could do*) he is now left destitute of all relief or recompence by Law, or ordinary course of Justice, and imprisoned by *Committees of Indemnity*, if he sue, and forced to desist, or release his action, having no Lawyer who durst to plead his cause, for fear of imprisonment, nor Judge to release him, for fear of displacing ; such is our present, worse

[f] *Fortescue*
c. 8. 1 H. 7. 46.
16 H. 6. *Fitz*.
Montfaucon. d.
Faits 182.

worse than Turkish Thraldom, under these Grand Reformers of our Laws, and New-found Guardians of our Liberties, crying out aloud to Heaven and Earth for present redresse.

3. For the Propriety of their Estates ; so fenced, vindicated, secured by the forecited Parliamentary Votes, Acts, and Petition of Right; alas ! what is become of it ? Have not these Sword-Reformers forcibly disseised, dis-inherited not only our Kings, Nobles, and other Officers of their Hereditary Honors , Dignities, Offices, Franchises, but likewise them , and thousands more , their Heirs, Successors, Wives, Children, Kinred , of their Palaces, Mannors , Houses , Lands, Possessions, Rents, Revenues, real and personal Estates , without any other Law or Title but (that of Thieves and Pirates, Turkey and * Mamalukes) ^{belong-}

<sup>* See Purchas
Pilgrimage Bo.
6. c. 6. ¶
Heylyn's Micro-
cosm.</sup>

the very eighth and tenth Moral Commandments of God himself, now practically quite expunged out of their Decalogue ? And do not all else hold their Lands and Estates as Tenants at will, to these supream new Land-Lords, who upon any New coined Delinquency, or pretended plot, really sequester, or confiscate them at their pleasures by the self-same Law and Title ? Yea where as all our Kings in former ages took Aids and Subsidies from our Ancestors only as (1) as their free Gifts and Grants in Parliament, and that in moderate proportions, so wit, one Fifteen, Tenth or Subsidy, and no more <sup>(1) See Balfals
Counts and
Taxes and all
the acts for
Subsidies, Tuna-
ge and Pound-
age.</sup> in antient times, and but two or three Subsidies and (2) Magna Carta c. Fifteens of later daies , payable at sundry times, in divers years, for which our Kings returned them heartily <sup>37 & 52 H.3.
1.5.25 E.3.c.</sup> thanks in their Answers to those Grants , and granted them New (2) Confirmations of their Laws , Liber tates and the Great Charter, when violated, together <sup>1. Mat. Paris
Hi. Angliep.
311.355.367</sup> with beneficial General Pardons in recompence of these ^{421.576.624} their Aids and Subsidies (though for publick uses ^{688. 838.833.} and defence) which they never claimed nor imposed in ^{338.940.941.} the Clergy or Laity, but by their several free Grants ^{960.}

in full and free Parliaments, and Convocations of the Clergy, (as all our Parliament Rolls, our imprinted Acts, Histories, and (3) Sir Edward Coke at large inform us)

(3) 4 Institutes c. 1. p. 10 (as if they were more than Kings) without any free gift, grant, or Act of Parliament in a full and free Parliamentary Assembly, by their own New usurped Power,

(without any thanks at all to the People, or confirmation of their violated Laws, Liberties, Privileges, or general Pardons) against all former Acts, and Parliamentary Votes, impose both on the Clergy and Laity, against their Wills, (beyond all Presidents of former ages) what excessive heavy monthly Taxes, Excises, imposts, tunnage, poundage, and other payments they please upon the whole Nation, without intermission (which their new-matched Parliaments themselves must, nor alter nor controll by the 27, 28, 29 Articles of their Instrument) and levy them by armed Souldiers, Violence, imprisonments, quartering, and other great penalties, fines inflicted on the Refusers of them, and dispose of them at their pleasures when levied, without giving any account thereof to the Nation? yea force them to pay their contributions some months before they grow due; when no Land-lord can receive his Rents, nor Creditor his debts to pay these Taxes, till at, or after the time they become due? And all to enslave, impoverish the Nation, to carry on new Wars, without consent of Parliament, and gain new Conquests abroad, whiles in the mean time our Merchants are robbed, undone, our trading decayed by these taxes, wars, and for want of well-guarding the Seas at home. And not content with these ordinary Monthly contributions, excises, imposts, have not these Reformers,

(g) See my Gospel plea for the Ministers of the Gospel. Delinquency [g] oft ends summing to take away all Ministers' Tithes, though due unto them *June divisis*, as well as by the Laws of the Land) exacted the Tithes of all formerly sequestered persons, their heirs and widows

states, improv'd according to the best improv'd value, by a late *Decimation*, (for which there is no divine nor human Law or Right) notwithstanding all former compositions, Pardons under Seal, Articles of War, their own *Act of Oblivion*, their late instrument of Government, and oath for its observance; besides all our ancient Laws, exempting them there from, yea notwithstanding this sacred Canon *Ezech. 18. 20.* *The Son shall not bear the iniquity of the Father;* with this Maxim in our Law, *Transgressio personalis moritur cum persona;* when as yet many Sons, yea some Infants are merely decimated for their Fathers, and Wives Jointure, Dowers charged for their Husbands delinquencies; Nay which is yet more barbarous, illegal, hundreds of Orthodox, able, godly, learned, Protestant Ministers of our Church, without any hearing or crime at all, for their former expiated pardoned mistake, in being addicted to the late Kings party, are not only turned out of all their livings, lectures, fellowships, schools at once; but likewise prohibited to preach, teach School, in publike or private, or to be entertained as Chaplains in private Houses, to support themselves, wives, children; or to administer the Sacrament, or mary any, under pain of imprisonment, banishment: And may not all our other Protestant Orthodox Ministers, School-Masters, Scholars be thus smitten down, and suppressed at once, by the like club-law and justice, of which this President is a very sad presage? Moreover do not these Reformers seize mens Horses, Arms, Swords, souling, birding pieces, (yea the very Armours, Chandlers, Arms and Ammunition, though their stock, wares, trade, livelihood) at their pleasures, upon every pretended plot, fear, jealousie? Yea do not Souldiers, Excise-men and their agents break open, search, ransack mens Houses, Studies, Trunks, Chests, both by day and night, and take away their Goods, Chattels, yea their Writings? ^(c) See my Records, Papers, (as they (b) did mine,) at their ^(d) *New Discourse of Free-State* ^(e) *Syraeny.*

Votes, Nay have not they forced thousands of all sorts to enter into great penal Bonds of late, with Sureties, both for themselves and all their Servants, containing

(i) Adjudged strange, unheard-of (i) illegall Conditions, and forced illegal i E. 3. them to pay, some 10s. others 5s. others 2 s. 6 d. for eve-
c. 15, and 1 E. ry Bond, (an unparalleled oppression) though many of
3 vol. 2, 3 4. them not worth so much, under pain of Imprisonment, sequestration, and banishment in case of refusal: to omit all other extorted fees by Marshals, Lieutenants, Officers of the Tower, and others, from Prisoners; by Soldiers for levying pretended arrears of Taxes, and of Excise-men, and their Instruments? And are not these more grievous abuses, fit to be redressed, than any corruption, excesses, fees in Lawyers, or our Laws? No private Person or Lawyers can take one farthing from another against his will, nor do the least prejudice to his reall or personal estate against Law, but he may have present remedy for it. But these New Reformers, by Excises, Im-
posts, Contributions, Decimations, Sequestrations, and new-invented forfeitures, can forcibly extort, and levy some Millions of pounds from the whole Nation, every year, against their wills, all our Laws, yea strip whole families of their Inheritances, without any remedy by Law or otherwise: yet this must be no grievance or injustice at all in them, though the Highest Treason, and unpardonable crying offences, in Strafford, Canterbury, the old Council-Table, and beheaded King; but a most righteous proceeding, necessary to be still pursued if not now established by a New Law, enabling them still to tax and poll us at their pleasures, without any future Parliaments, or redresse.

4. For the free course of the Common Law, Right, and Justice, according to *Magna Charta*, c. 29. We will deny, nor deserve to no man Justice or Right. It was never so much obstructed in any age by any persons, as by these new Reformers of our Laws. Witness their unparalleled late Whitehall Ordinances, touching their illegal Excises: which not only indem-

wise all Excisemen, and their Assistants against all actions to be brought against them, or other molestations by all parties grieved; but expressly requiring, injoining all Courts of Justice of this Commonwealth, and all Judges and Justices of the same, Sheriffs, Counsellors, Attorneys, Sollicitors, and all other persons to conform themselves accordingly, without any opposition or dispute whatsoever; So that now no Court of Justice, or Judge must or can right; nor any Lawyer, Attorney, Sollicitor, or other person, plead, argue or prosecute any suit at Law against any illegal Excise, Tax or Imposition, though never so unjust and oppressive; nor against any Levyer of them, or imprisoner of refusals of them, under pain of being dis-Judged, (like Thorp, Nudigate, and Rolls of late) or being committed to the Tower, as Mr. Maynard, Twisden, and Wadham Windham were, for arguing Concessions against these Whitehall Ordinances. A slavery worse than that of the [!] Eng. (1) See my sc-
lish Jews of old; To omit all former inforcements of cond. Demurrer well-affected plundered persons and others, to release their Actions, Judgements, Executions against Cava-
liers, Soldiers, and others, and to pay them damages, and costs of suit besides, to their undoings, by their Councils of War, and Committees of Indemnity, of which there are hundreds of sad Presidents; I shall only touch their new Major Generals, Captains, Lieutenants, and others late Abuses of this kind, in sending for Lawyers, Attorneys, Sollicitors, Parties, by Soldiers and other Messengers, and forcing them by menaces, terror, and threatened imprisonments to release their Actions, Judgements, Executions, and to referre all suits depending in Courts of Equity or Justice, to their own hearing and determinatin. Their examining, controlling, revering Orders, Judgements, Decrees, made not only by Judges, Justices, and others, in Courts of Law and Equity, but even by Committees of Parliament, and the Commons House it self: their sending for some persons in Custody who refused to attend them, upon references, and others sundry miles, and making them dance

attendance on them from day to day upon bare Petitions and false suggestions of clamorous persons, after several Judgements, Decrees in Courts of Justice, Equity, Parliaments, and former references by the late King, seconded with many years quiet enjoyment, for lands recovered against them, to their intollerable expence and vexation. A preparative to ingrosse all Law and Justice for the future into their own hands alone, and suppress all Courts of Justice, Judges, as dull and uselesse tools, as some of late have stiled them. And are not these far heavier, sadder Grievances, abuses worthy redresse, than any these Reformers complain of in our Laws or Lawyers?

If our Sword-men imagin, their Victorious Successes will still bear them out in all these their illegal extravagances, against all Laws, Tribunals both of God and Men; let them remember, that

* *T.ogus Pompeius, & Justin.*
Hist. l. 1. Hero dous, l. 1. 3. all Asia, and the East, with a great part of Scythia, Diiodorus siculus, lib 2.

Cyrus King of Persia, after his victorious conquests of Astyages, Croesus, and 30 years reign, with continual and admirable Success; was at last (after a great victory over the Scythians) sedenly surprised and slain by Thomyris Queen of Scythia, and his whole old victorious Army of two hundred thousand Persians put every man to the sword, not one of them escaping to bring back tidings of this their admirable universal overthrow and slaughter. After which his head was cut off by the Queens command, and thrown into a Vessel filled with mans blood, with this exprobation of his cruelty, Satia te sanguine quem silitisti, cuiusque infatibilis temper fuitisti.

* *Paterculus Hist. l. 2. & 3.*
Plutarch, in his the Great, that glorious and famous Roman, after his Life.

That * Pompey the Great, that glorious and famous Roman, after his Conquests of, and 3, publike Triumphs (decreed him by the Roman Senate) over Europe, Asia and Africa, (the whole known World in that age) which he had subdued, was yet at last conquered by Julius Caesar his Corrival, and forced to fly into Egypt; there taken and beheaded by a slave, and his carcass left unburied on the sands, as a prey to the birds and beasts; so that he who formerly wanted earth for him to conquer, now wanted earth to bury

bury him; such was the vicissitude of his fortune (as Paternulus observes;) And not long after this Great Conquerour* Cesar, was fodenly stabbed to death in the Senate House by his own Friends in whom he most confidde, for his ambitious Tyrannical usurpations over Piutarch, Suetonius, &c. the Senate and people; Enough to make all other usur. tropius, Grim-
ping oppressing Swordmen tremble (not half so great Conquerours as either of these three) notwithstanding all their former successes; which should rather bumble and make them more just, righteous towards the people, for whose Laws and Liberties they pretended they only fought against arbitrary Tyranny, Imposi-
tions and Rapine, than more arbitrary, insolent, exorbitant, oppressive than those they fought against, and suppressed; and that upon the consideration of 2 Chron. cap. 10. 2 Kings 14. 8. to 15. Mich. 2. 1, 2, 3, 4, 5, 7, 8, 9, 10. Ierem. 34. 8. to 22. and Rom. 11. 17. to 22. which I desire them seriously to peruse and meditate upon at their leisures.

To these forenamed 4. Generals, I might add their New Voluminous Whitehall folio Edicts, Ordinances, repealing, altering our former Laws and Statutes in many particulars, imposing new Taxes, payments, forfeitures, imprisonments, fines, penalties on the people, and such as shall infringe them; Their converting all Prizes taken by their Men of War, to private Uses, and their publike Treasury, without repairing or satisfying our Merchants Losses by Pyracies and Wars in the first place, by whose Customs and for whose Safety they are principally maintained, and whose damages should be therefore in justice, conscience, first repaired; Major Generals and their Deputies suppressing of Inns, Taverns, Alehouses (like absolute Justices) without any legal Authority, and then setting them up again soon after, through the mediation of Friends or mony: Their riding in circuit with those who are their Judges to overawe and controll them; their open abetting and countenancing of causes; their great destruction of the timber of the Nation, against sundry

Statutes, their building of new stately Houses, Gardens, &c. upon the peoples and the publick stock; the sharing of the publike Lands and Revenues of the kingdom amongst themselves, which should defray publike expences, now fit to be reformed, as in former ages; Their making *Sectaries* and illiterate Swordmen, and other persons of mean quality, who understand neither Law nor Justice, their *Justices of Peace*, and *Committee men* in sundry places, against former Statutes: Their imposing, administering Oaths to men without any Legal Commission or Law (as every Swordman now presumes) a *Praemunire* and grand Offence in former ages: With sundry more generals, which I pretermitt, the particulars whereof would amount to many *Baronian Tomes*, if at large recorded, being worthy the consideration of the approaching *Assembly*, if not of *reformation*. Which Assembly being purposely called, as these *Army Officers*, and *Major Generals* report, and some *Whitehall Letters* import, for the reformation of our Laws, and for the healing and closing up of the wounds, breaches of our distracted, discontented Nations; which my skill in *Chirurgery* and *Politicks*, and the method of all former Parliaments alivies me can never perfectly be healed and closed up, without danger of relapse & breaking out again with greater pain, danger, violence, unless they be first searched, lanced, and laid open to the bottom, & then perfectly cleansed, and incarnated, without leaving any *corruption underneath*. I have thereupon (to gratifie Mr. Stepbeard, and discharge my bounden duty to my Profession and Country) thus briefly anatomized and laid them open to publicke view, to the end they may (through Gods blessing) receive a speedy, sound and perfect, not superficial palliative Cure, without any other sinfull design. Now the grand Physician both of Souls and States give to us *equal* a blessing and success to these few leaves, that they may prove like the leaves of the tree of life, Rev. 22.1. for the healing of the Nations: That God may not now say of England, as he did once of Israel, Jer. 30.13, 14, 15. Thy bruise is incurable, and thy wound is grievous; There is none to plead thy cause that thou maist be bound up; thou hast no healing medicins: All thy lovers have forgotten thee; they seek thee not; for I have wounded thee with the wound of an *Enemy*, with the chastisement of a cruel one; for the multitude of thine iniquities, because thy sins are increased.

FINIS.